

Missouri Sentencing Advisory Commission

Recommended Sentencing

Biennial Report 2009

As required by Section 558.019.6, RSMo.



December 10, 2009

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CONTENTS

Preface	Page 1
Commission Progress Report on the Recommended Sentences	Page 2
Study of Sentencing Disparity	Page 13
Death Penalty Sentencing	Page 36
Recidivism Rates and the System of Recommended Sentences	Page 41
The importance of Risk Assessment and Validating the SAR Risk Assessment	Page 50
Review of Sentencing and the Missouri Recommended Sentences	Page 57
Appendices	
A. Average Sentence Statistics by Offense from FY2000 to FY2009	Page 66
B. Recommended Sentence Matrices	Page 75

Changes and Corrections Since Publication (December 2009)

Nonviolent Offenders as Percent of All Incarcerated Offenders Incarcerated on June 20, 2009 (Page 21-23)
May 3, 2010

- Graph on page 22, minor changes were made to the incarceration count and nonviolent percentages.
- Table on page 23-24, the incarceration count was corrected. The nonviolent percentages for Ste. Genevieve, St. Francois, St. Louis City, St. Louis County were corrected.

PREFACE

The Sentencing Advisory Commission is pleased to report on the continuing success of the system of the Recommended Sentences that the Commission introduced in June 2004. This is our third statutorily required report under Section 558.019.6(5) RSMo.

In cooperation with the Department of Corrections (DOC), the Commission has completed its annual review of the recommended sentences and has maintained regular meetings of commission members and professional staff members of the Department of Corrections and the Office of the State Courts Administrator. During 2009 the Commission began a Smart Sentencing bulletin that is being distributed to the courts, prosecutors, public defenders and DOC field staff. To date there have been five bulletins.

The Biennial Report provides studies of sentencing compliance from the quarterly monitoring of the DOC sentencing assessment reports, analysis of sentencing disparity and capital punishment as required by statute and additional one-off studies. The 2009 Biennial Report includes a study of recidivism related to the recommended sentences, a recidivism based validation of the Commission's risk assessment tool and a study of sentencing and the recommended sentence model.

COMMISSION PROGRESS REPORT ON THE RECOMMENDED SENTENCES

1. Changes to the Recommended Sentences

The Commission's Recommended Sentences were first published in June 2004 and implemented during 2005. At the end of the 2009 legislative session the Commission reviewed the compliance statistics and approved changes to two mitigating sentences:

- i) Violent Class A High Severity Mitigating from CSS to 10 years
- ii) Sex & Child Abuse Class A High Severity from CSS to 10 years

The Commission also added to the list of mitigating and aggravating factors when the score of the Commission's risk assessment was either GOOD (low risk) or BELOW AVERAGE or POOR (high risk). Because the validation study of the risk assessment indicated that the assessment was predictive of future criminal behavior the Commission and the Department of Corrections approved a change to the USER GUIDE and the sentencing assessment report to indicate that when an offender was scored GOOD the recommended sentence would be the mitigating sentence and when the offender scored BELOW AVERAGE or POOR the recommended sentence would be the aggravating sentence. The validation study is included in this report.

The average sentence analysis by Missouri charge code upon which the offense severity is calculated is included as Appendix A and the 2009 Recommended Sentence Matrices are included as Appendix B.

2. Court use of the Recommended Sentences

Since the statewide implementation of the Board of Probation and Parole's Sentencing Assessment Report (SAR) in November 2005 the Recommended Sentences have been included in all pre-sentence assessments requested by the courts. To the end of June 2009 there have been over 23,000 SARs requested by the courts.

SAR Requests

<u>FY2005</u>	476
FY2006	5,098
FY2007	6,327
FY2008	6,054
<u>FY2009</u>	<u>5,618</u>
	23,573

There has been a modest reduction in the time taken complete the SAR by the probation and parole officer compared to the time taken to complete the old Pre-Sentence Investigation (PSI). The SAR is a shorter, more structured report.

PSI and SARS requests from January 2005 to June 2009

Average Completion time

PSI	42 days
SAR	37 days

In the year following the introduction of the SAR there was an increase in the rate at which pre-sentence assessments were requested by the courts compared to the year prior to the introduction of the SAR (FY05). In FY09 the percentage of sentences where an assessment was requested has fallen to 20.7% of sentences.

Pre-Sentence Assessments and New Felony Sentences

	SARs/ PSI	Sentences	Percent of Sentence
FY2005	6,285	25,598	24.6%
FY2006	7,030	26,470	26.6%
FY2007	6,413	26,102	24.6%
FY2008	6,057	26,693	22.7%
FY2009	5,613	27,164	20.7%

3. Court Compliance with the Recommended Sentences

The court compliance with the Recommended Sentences is based upon the actual sentences of offenders received by the DOC following a court request for a SAR. By the end of June, 2009 there were 15,347 completed SARs with the actual sentence handed down by the courts.

Compliance with the Recommended Presumptive Sentence is 87.7% with the Recommended Sentence range from Mitigating to Aggravating.

Compliance with the Recommended Sentence

June 2009

Below Mitigating	5.5%
From Mitigating to Presumptive	10.7%
Matches Presumptive	71.3%
From Presumptive to Aggravating	5.7%
Above Aggravating	6.8%

The overall picture indicates that the actual sentence is sometimes more severe than the recommended presumptive sentence. For all offenses there are 2.4% fewer probation/CSS sentences than recommended and 2.0% more prison sentences than recommended.

Presumptive Recommended Sentence and Actual Sentence

Disposition	Recommended Presumptive Sentence		Actual Sentence		Difference %
	#	%	#	%	
Probation or CSS	10,914	71.1%	10,544	68.7%	-2.4%
Shk/Trt	1,868	12.2%	1,927	12.6%	0.4%
Prison	2,565	16.7%	2,876	18.7%	2.0%
Total	15,347	100.0%	15,347	100.0%	0.0%

The analysis by offense group indicates that violent and sex offenses are more likely to receive a more severe sentence than the recommended presumptive sentence.

- Violent offenses: Prison sentences are 4.9% higher
- Sex offenses: Prison sentences are 7.5% higher
- For Drugs, DWI and Non-violent offenses the differences are from 3.4% to -4.4%.

Presumptive Recommended Sentence and Actual Sentence By Offense Group

	Recommended Presumptive Sentence	Actual Sentence	Difference
<i>Violent</i>			
Probation or CSS	53.6%	46.0%	-7.6%
120day Shock	10.0%	12.8%	2.7%
Prison	36.4%	41.3%	4.9%
Total	100.0%	100.0%	0.0%
<i>Sex & Child Abuse</i>			
Probation or CSS	48.6%	42.7%	-6.0%
120day Shock	6.2%	4.6%	-1.5%
Prison	45.2%	52.7%	7.5%
Total	100.0%	100.0%	0.0%
<i>Non-Violent</i>			
Probation or CSS	79.4%	76.0%	-3.5%
120day Shock	10.0%	10.1%	0.1%
Prison	10.6%	14.0%	3.4%
Total	100.0%	100.0%	0.0%
<i>Drug</i>			
Probation or CSS	76.6%	76.3%	-0.3%
120day Shock	13.7%	13.0%	-0.8%
Prison	9.7%	10.8%	1.1%
Total	100.0%	100.0%	0.0%
<i>DWI</i>			
Probation or CSS	60.1%	60.8%	0.8%
120day Shock	20.3%	23.9%	3.7%
Prison	19.6%	15.2%	-4.4%
Total	100.0%	100.0%	0.0%

4. Compliance and the Recommended Mitigating, Presumptive and Aggravating Range

The recommended sentence is more than just the Presumptive sentence. In the SAR the court are also given a mitigating and aggravating sentence. The following analysis compares the actual sentence to the range from Mitigating to Aggravating. The decision whether an actual sentence is within the range or outside the range is based upon the disposition when the recommended sentence was probation, CSS or Shock/Treatment. If the recommended sentence was a prison sentence then the compliance decision is based upon whether the actual prison sentence was within or outside the recommended sentence range.

The overall picture is that 87.7% of sentences are within the Mitigating to Aggravating range. There were 5.5% below the mitigating sentence and 6.8% above the aggravating sentence. When the actual sentence was prison the compliance percent is much lower (49.3%) and 48.19% of sentences were over the Recommended Aggravating sentence.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

(Only for User Guide 2007-2009 - October 15, 2007 to present)

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Prison	19	2.6%	365	49.3%	356	48.1%	740	100.0%
120day Shock	46	13.4%	261	76.1%	36	10.5%	343	100.0%
Probation/CSS	252	5.4%	4411	94.6%	0	0.0%	4663	100.0%
Total	317	5.5%	5037	87.7%	392	6.8%	5746	100.0%

A prison sentence can be above the aggravating sentence because either the recommended aggravating sentence was a non-custodial sentence (probation, CSS or SHK/TRT) or the sentence was longer than the aggravating sentence. From the results of the SARs to June 2009 33.4% are over the aggravating sentence because the recommended aggravating sentence was non-custodial and 66.6% because the prison sentence was longer than the aggravating sentence. The average difference between the aggravating sentence and the actual sentence is 3.8 years. For violent and sex offenses the difference is about 4.9 years and for nonviolent offenses the difference is 1.2 years.

ACTUAL SENTENCE ABOVE THE RECOMMENDED AGGRAVATING SENTENCE

Offense Group	Recommended Aggravating Sentence			Percent Not Prison	Average Aggravating Sentence	Average Actual Sentence
	Probation or CSS or Shk/Trt	Prison Sentence	Total			
Violent	-	105	105	0.0%	10.0	14.8
Sex	-	60	60	0.0%	9.1	14.1
Non-Violent	69	37	106	65.1%	4.2	5.8
Drug	49	29	78	62.8%	5.7	8.2
DWI	13	30	43	30.2%	3.8	6.3
Total	131	261	392	33.4%	7.8	11.6

The analysis by prior criminal history level indicates that 46.2% of level II sentences received a prison sentence when no prison sentence was recommended and the difference between the actual and recommended aggravating prison sentence is greater for offenders in Levels I and II than for offenders with multiple prison incarcerations.

ACTUAL SENTENCE ABOVE THE RECOMMENDED AGGRAVATING SENTENCE

Prior Criminal History Level	Recommended Aggravating Sentence			Percent Not Prison	Average Aggravating Sentence	Average Actual Sentence
	Probation or CSS/Shk Trt	Prison Sentence	Total			
1	80	86	166	48.2%	9.5	14.7
2	42	49	91	46.2%	7.7	11.5
3	9	77	86	10.5%	5.9	9.4
4	0	28	28	0.0%	7.2	9.4
5	0	21	21	0.0%	8.3	10.6
Total	131	261	392	33.4%	7.8	11.6

The analysis by felony class indicates that for Class D offenses many prison sentences are over the aggravating sentence because most of the recommended sentences are non-custodial. For Class A felonies the difference in sentence length is substantial (7.5 years).

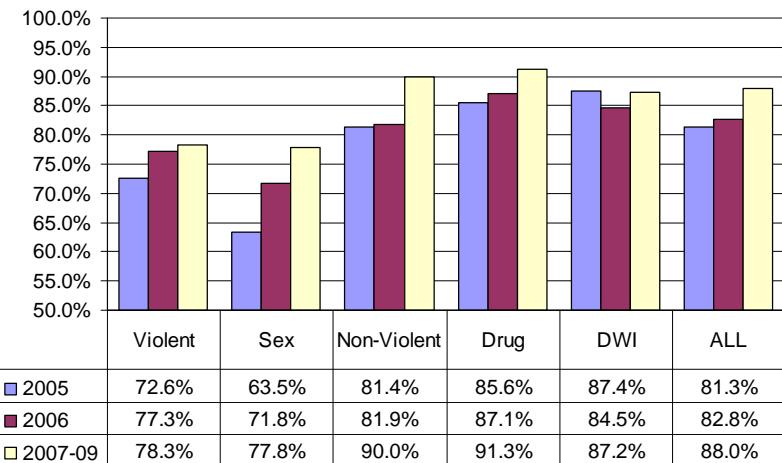
ACTUAL SENTENCE ABOVE THE RECOMMENDED AGGRAVATING SENTENCE

Felony Class	Recommended Aggravating Sentence			Percent Not Prison	Average Aggravating Sentence	Average Actual Sentence
	Probation or CSS/Shk Trt	Prison Sentence	Total			
Unclassed	0	5	5	0.0%	7.0	23.0
A	4	61	65	6.2%	17.9	25.4
B	28	60	88	31.8%	7.5	10.9
C	65	114	179	36.3%	3.5	5.6
D	34	21	55	61.8%	2.3	3.8
Total	131	261	392	33.4%	7.8	11.6

5. Compliance by Offense Group for FY05 and FY06 and FY07-FY09

The overall compliance with the Recommended Sentence range (from Mitigating to Aggravating) increased, partly as a result of the changes to the recommended sentences matrix in the 2006 and 2007 User Guides and partly because of greater court compliance. In the first year of the recommended sentences in 2005, 81.3% of the sentences for which the courts requested a SAR were within the recommended sentence range. In 2006 the Commission issued a new User Guide that amended some recommended sentences and the compliance rate increased to 82.8%. After the 2007 amended to the recommended sentencing, the compliance rate based upon the sentencing for which SARs have been requested has increased to 88.0%. The compliance has increased for all offense groups with exception of DWI offenses.

Compliance by Offense Group
2005 vs. 2006 vs. 2007-09
Recommended Sentencing Matrix



Compliance by Offense Group for 2005 vs. 2006 vs. 2007-09 Recommended Sentencing Matrices

Offense Group	Below		Within		Above		
	#	%	#	%	#	%	
Violent	2005	48	6.9%	504	72.6%	142	20.5%
	2006	35	5.4%	497	77.3%	111	17.3%
	2007	42	6.2%	531	78.3%	105	15.5%
	Total	125	6.2%	1532	76.0%	358	17.8%
Sex	2005	7	2.2%	198	63.5%	107	34.3%
	2006	7	2.6%	191	71.8%	68	25.6%
	2007	18	5.1%	274	77.8%	60	17.0%
	Total	32	3.4%	663	71.3%	235	25.3%
Non-Violent	2005	98	5.1%	1562	81.4%	260	13.5%
	2006	61	4.1%	1228	81.9%	211	14.1%
	2007	94	4.7%	1800	90.0%	106	5.3%
	Total	253	4.7%	4590	84.7%	577	10.6%
Drug	2005	87	4.4%	1674	85.6%	195	10.0%
	2006	71	4.4%	1395	87.1%	136	8.5%
	2007	105	5.0%	1920	91.3%	77	3.7%
	Total	263	4.6%	4989	88.1%	408	7.2%
DWI	2005	23	4.7%	432	87.4%	39	7.9%
	2006	20	3.8%	443	84.5%	61	11.6%
	2007	32	5.5%	510	87.2%	43	7.4%
	Total	75	4.7%	1385	86.4%	143	8.9%
ALL	2005	263	4.9%	4370	81.3%	743	13.8%
	2006	194	4.3%	3754	82.8%	587	12.9%
	2007	291	5.1%	5035	88.1%	391	6.8%
	Total	748	4.8%	13159	84.2%	1721	11.0%

6. Compliance and the Prior Criminal History Level

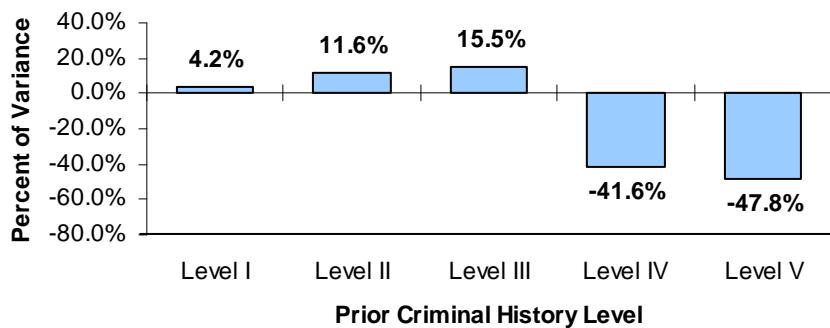
The recommended sentences increase the severity of the sentence with an increase of the prior criminal history. The SAR data indicates that actual sentencing does reflect an increase in the prior criminal history, particularly the percent prison disposition.

ACTUAL SENTENCES BY OFFENSE GROUP AND PRIOR CRIMINAL HISTORY
Completed SARs and Offenders received by the DOC, May 2005 to June 2009

Offense Group	Prior Criminal History				
	Level 1	Level 2	Level 3	Level 4	Level 5
<i>Violent</i>	No felonies & no more than 3 misds	No prison & 1 or 2 felonies	One prison or 3 felonies	Two prison or 4 felonies	3 or more prison or 5 or more felonies
Percent of PCHL	61.6%	15.8%	13.8%	4.3%	4.5%
Percent Prison Disposition	30.2%	45.0%	65.3%	71.8%	76.7%
Average Sentence	11.0	12.1	12.2	15.1	16.9
<i>Sex & Child Abuse</i>					
Percent of PCHL	67.5%	15.1%	10.7%	4.4%	2.2%
Percent Prison Disposition	45.7%	59.1%	71.1%	80.0%	80.0%
Average Sentence	11.0	12.1	13.7	9.7	19.9
<i>NonViolent</i>					
Percent of PCHL	56.5%	18.4%	12.5%	6.2%	6.5%
Percent Prison Disposition	4.6%	12.7%	26.3%	40.7%	50.1%
Average Sentence	4.2	4.1	4.3	4.4	5.2
<i>Drug</i>					
Percent of PCHL	56.5%	20.1%	13.9%	4.9%	4.7%
Percent Prison Disposition	2.6%	10.7%	23.5%	37.5%	44.4%
Average Sentence	7.0	6.5	6.1	7.0	7.3
<i>DWI</i>					
Percent of PCHL	44.0%	27.9%	16.9%	5.8%	5.4%
Percent Prison Disposition	3.9%	11.5%	31.0%	39.1%	51.8%
Average Sentence	3.4	4.7	4.7	5.5	5.0
<i>All Offense Groups</i>					
Percent of PCHL	56.5%	19.5%	13.5%	5.3%	5.2%
Percent Prison Disposition	10.3%	17.3%	33.1%	44.6%	52.2%
Average Sentence	9.3	8.2	7.8	7.5	8.3

Compliance, however, varies significantly by the prior criminal history level. Offenders with many prior convictions and incarcerations are likely to receive a more lenient sentence than the recommended presumptive sentence. Offenders with a level 3 history are most likely to be sentenced more severely than the presumptive recommended sentence.

**The Difference between
Percent of Offenders who receive a Prison Sentence and
Percent of Offenders who are Recommended a Prison Sentence**



**Difference Between Presumptive Recommended Sentence and Actual Sentence
By Criminal History Level**

Sentence Type by Level	Recommended Presumptive Sentence		Actual Sentence		Difference in %
	# SARs	%	# SARs	%	
<i>Level I</i>					
Probation or CSS	8035	92.6%	7154	82.5%	-10.2%
120day Shock	108	1.2%	626	7.2%	6.0%
Prison	531	6.1%	894	10.3%	4.2%
Total	8674	100.0%	8674	100.0%	0.0%
<i>Level II</i>					
Probation or CSS	2636	88.3%	1957	65.6%	-22.7%
120day Shock	180	6.0%	512	17.2%	11.1%
Prison	169	5.7%	516	17.3%	11.6%
Total	2985	100.0%	2985	100.0%	0.0%
<i>Level III</i>					
Probation or CSS	242	11.7%	974	47.0%	35.3%
120day Shock	1467	70.7%	413	19.9%	-50.8%
Prison	365	17.6%	687	33.1%	15.5%
Total	2074	100.0%	2074	100.0%	0.0%
<i>Level IV</i>					
Probation or CSS	0	0.0%	256	31.4%	31.4%
120day Shock	112	13.8%	195	24.0%	10.2%
Prison	702	86.2%	363	44.6%	-41.6%
Total	814	100.0%	814	100.0%	0.0%
<i>Level V</i>					
Probation or CSS	0	0.0%	200	25.1%	25.1%
120day Shock	0	0.0%	181	22.7%	22.7%
Prison	797	100.0%	416	52.2%	-47.8%
Total	797	100.0%	797	100.0%	0.0%

7. Compliance By Sentencing County

Although the metro areas have a lower compliance than the first class counties and the rural counties, all the metro areas compliance are continuing to increase. Jackson County and St. Louis City, with an increase in SAR request, are sentencing above range is below 10%.

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE BY REGIONS

Circuits	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Jackson County	69	10.9%	509	80.4%	55	8.7%	633	100.0%
St. Louis County	29	5.3%	438	79.5%	84	15.2%	551	100.0%
St. Louis City	76	11.9%	506	79.2%	57	8.9%	639	100.0%
Metro	174	9.5%	1453	79.7%	196	10.8%	1823	100.0%
First Class	380	4.2%	7675	85.1%	962	10.7%	9017	100.0%
Rural	204	4.5%	3746	83.1%	557	12.4%	4507	100.0%
Total	758	4.9%	12874	83.9%	1715	11.2%	15347	100.0%

Circuits by Region:

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45

8. Which Courts are requesting sentencing assessments (SARs)?

Overall 20.7% of new sentences have a requested a pre-sentence assessment but the rate at which assessments are requested varies greatly around the state. Some counties typically request an assessment for all convictions/guilty pleas while other counties rarely request an assessment or only for serious offenses. The data is a comparison of all new sentences received by the DOC in Fiscal Year 2009 and the number of the requested assessments in Fiscal Year 2009 by sentencing county

Counties that usually request an assessment (50% of the time or more) include, in descending order, Harrison, Atchison, Nodaway, Buchanan, Mercer, Callaway, Jasper, Holt, Schuyler, Clark, Lewis, and Bollinger. The metro areas, Jackson, St Charles, and the St. Louis metro area (City and County), are among the counties that have a low (7.6% to 18.7%) request rate for assessments. The median is 20.7%.

Utilization of Sentencing Assessments For New Sentencing

County	FY09 New Felony Sentences	FY09 P&P Assessment Request	Percent of New Felony Sentences	County	FY09 New Felony Sentences	FY09 P&P Assessment Request	Percent of New Felony Sentences
Adair	122	39	32.0%	Livingston	139	52	37.4%
Andrew	34	16	47.1%	Macon	65	6	9.2%
Atchison	19	17	89.5%	Madison	66	5	7.6%
Audrain	214	19	8.9%	Maries	31	2	6.5%
Barry	170	20	11.8%	Marion	140	9	6.4%
Barton	78	8	10.3%	Mcdonald	139	5	3.6%
Bates	93	2	2.2%	Mercer	18	11	61.1%
Benton	71	5	7.0%	Miller	184	4	2.2%
Bollinger	20	10	50.0%	Mississippi	135	28	20.7%
Boone	696	331	47.6%	Moniteau	53	9	17.0%
Buchanan	583	393	67.4%	Monroe	38	1	2.6%
Butler	216	28	13.0%	Montgomery	130	15	11.5%
Caldwell	51	12	23.5%	Morgan	100	5	5.0%
Callaway	161	95	59.0%	New Madrid	225	15	6.7%
Camden	255	20	7.8%	Newton	192	49	25.5%
Cape Girardeau	338	163	48.2%	Nodaway	70	49	70.0%
Carroll	40	2	5.0%	Oregon	30	3	10.0%
Carter	26	3	11.5%	Osage	19	4	21.1%
Cass	273	25	9.2%	Ozark	34	7	20.6%
Cedar	72	11	15.3%	Pemiscot	233	34	14.6%
Chariton	34	9	26.5%	Perry	112	51	45.5%
Christian	338	75	22.2%	Pettis	200	31	15.5%
Clark	30	16	53.3%	Phelps	264	22	8.3%
Clay	457	172	37.6%	Pike	126	9	7.1%
Clinton	66	21	31.8%	Platte	204	29	14.2%
Cole	417	154	36.9%	Polk	146	12	8.2%
Cooper	118	5	4.2%	Pulaski	154	19	12.3%
Crawford	200	47	23.5%	Putnam	25	11	44.0%
Dade	31	2	6.5%	Ralls	21	2	9.5%
Dallas	101	1	1.0%	Randolph	282	50	17.7%
Davies	77	33	42.9%	Ray	145	6	4.1%
Dekalb	74	16	21.6%	Reynolds	18	-	0.0%
Dent	74	13	17.6%	Ripley	67	6	9.0%
Douglas	39	5	12.8%	Saline	122	20	16.4%
Dunklin	415	41	9.9%	Schuylerville	11	6	54.5%
Franklin	451	153	33.9%	Scotland	21	6	28.6%
Gasconade	59	20	33.9%	Scott	310	20	6.5%
Gentry	30	11	36.7%	Shannon	52	3	5.8%
Greene	1,280	393	30.7%	Shelby	25	3	12.0%
Grundy	49	16	32.7%	St. Charles	1,160	202	17.4%
Harrison	43	45	104.7%	St. Clair	35	13	37.1%
Henry	137	9	6.6%	St. Genevieve	91	7	7.7%
Hickory	32	3	9.4%	St. Francois	345	44	12.8%
Holt	34	19	55.9%	St. Louis City	3,255	457	14.0%
Howard	46	12	26.1%	St. Louis Cnty	3,036	230	7.6%
Howell	133	12	9.0%	Stoddard	215	29	13.5%
Iron	57	7	12.3%	Stone	174	15	8.6%
Jackson	2,600	487	18.7%	Sullivan	44	1	2.3%
Jasper	381	221	58.0%	Taney	334	118	35.3%
Jefferson	693	344	49.6%	Texas	95	9	9.5%
Johnson	179	84	46.9%	Vernon	75	8	10.7%
Knox	11	1	9.1%	Warren	236	23	9.7%
Laclede	175	21	12.0%	Washington	147	11	7.5%
Lafayette	300	26	8.7%	Wayne	69	1	1.4%
Lawrence	216	23	10.6%	Webster	83	2	2.4%
Lewis	65	34	52.3%	Worth	7	2	28.6%
Lincoln	283	47	16.6%	Wright	114	3	2.6%
Linn	46	2	4.3%	Total	27,164	5,613	20.7%

9. Assessments by type of Offender

Most assessments are for new sentencing of offenders who were not under supervision at the time of the offense. For offenders on probation or parole with new sentences the percent who have a court requested assessment is lower. In almost 55% of drug court cases the courts request a report from Probation and Parole. For drug courts, deferred prosecution assessments were included.

New Sentenced in FY2009 and Court Requests for Investigations

Status of Offender	Felony Sentences	P&P Investigations	Percent Requested
Drug Court	1,125	618	54.9%
New Court Commitment	5,731	2,484	43.3%
Probation	18,142	4,898	27.0%
Parole	2,686	1,127	42.0%
Total	27,684	9,127	33.0%

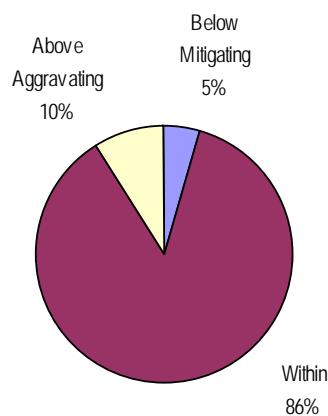
10. Plea Agreements

Plea agreements are made in 47% of sentencing for which SARs have been requested. The compliance rate is higher for the cases when there is a plea agreement.

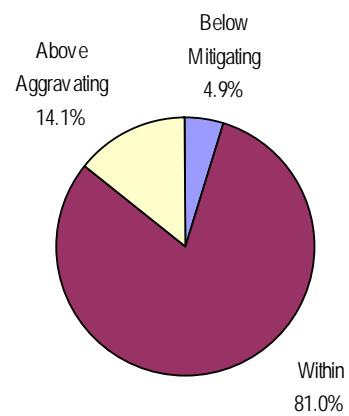
Actual Sentence compared to the Recommended Sentence SARs completed May 2005 to June 2009

Plea Agreement	Below Mitigating	Within	Above Aggravating	Total	Percent
Yes	321 4.8%	5774 86.4%	585 8.8%	6680	47%
No or Not Known	372 4.9%	6152 81.0%	1069 14.1%	7593	53%
All	693 4.9%	11926 83.6%	1654 11.6%	14273	100%

Plea Agreement: Yes



Plea Agreement: No or Not Known



A STUDY OF SENTENCING DISPARITY

The study covers three topics: Sentencing in Missouri compared to other states, differences in sentencing by circuit courts and differences in sentencing between different racial groups.

Sentencing and Time Served in Missouri compared to Other States in the US.

The National Corrections Reporting Program (NCRP) published by the Bureau of Justice Statistics for 2003 indicated that offenders in Missouri serve about five months longer in prison than the national average; however, as a percent of sentence time served, Missouri is similar to the national average (46.8%). From DOC records and the NCRP report for 1993, 2000 and 2003, it is apparent that that time served has increased not only in Missouri but also in other states over the last ten years but that the increase has slowed since 2000. The 2003 national data from the NCRP is the latest available at the time of the preparation of this report.

Average Sentence and Time Served to First Release (1993 to 2003)

	All State Prisons			Missouri		
	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served
1993	66.0	21.0	31.8%	68.0	23.0	34.4%
2000	65.0	28.0	43.1%	72.0	31.0	43.3%
2003	62.0	29.0	46.8%	72.9	33.8	46.4%

Source: NCRP reports (BJS) and DOC records

For many offenses, the average sentence and time served in Missouri is higher than in other states but there could be differences in definitions between BJS and the Missouri DOC in the data collections. Offenders with violent offenses serve a higher percent of sentence in Missouri than in other state prisons but offenders with non-violent and drug offenses serve a lower percent of sentence than in other state prisons.

Average sentence and Time Served to First Release By NCIC Offense (2003)

	All State Prisons			Missouri		
	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served	Max. Sentence (mths)	Time Served (mths)	Percent Sentence Served
<i>Violent Offenses</i>						
Homicide	83	48	58%	119	73	61%
Rape	166	94	57%	202	130	64%
Robbery	124	82	66%	158	124	78%
Assault	95	54	57%	157	91	58%
<i>Property Offenses</i>						
Assault	55	31	56%	78	43	55%
Burglary	53	23	43%	56	21	38%
Larceny	68	29	43%	65	26	41%
Autotheft	42	18	43%	55	21	38%
Fraud	40	19	48%	57	24	43%
Stolen Property	44	17	39%	46	13	29%
<i>Drug Offenses</i>						
Possession	45	20	44%	52	19	36%
Trafficking	61	23	38%	72	26	36%
<i>Public Order Offenses</i>						
Weapons	43	18	33%	49	14	29%
DWI	43	22	51%	72	35	49%
All Offenses	44	16	36%	43	16	38%
	62	29	47%	73	34	46%

Sentencing Differences Between Courts

When circuits are compared by sentence disposition or by average prison sentence there are wide variations in sentencing practice. Using the sentence data compiled by the Department of Corrections for FY09, the 45 Missouri circuit courts have been ranked using three measures:

1 Prison sentences as a percentage of all sentences

The range is from 48.8% for circuit 18 (Cooper and Pettis counties) down to 10.8% for circuit 2 (Adair, Knox, and Lewis). The average percentage is 25.6%. St. Louis City (23.8%), St. Louis County (20.3%) and Jackson County (22.0%) are slightly below the state average.

2 Shock and Treatment as a percentage of Prison and Shock and Treatment Sentences

The range is from 58.8% for circuit 2 (Adair, Knox, and Lewis counties) down to 10.6% for circuit 44 (Douglas, Ozark, and Wright counties). The average percentage is 29.0%. Jackson County (35.3%) is in the second quartile and St. Louis City (27.5%) is in the third quartile and St. Louis County (21.4%) is in the fourth quartile.

3. Average Prison Sentences

St. Louis City has the highest average prison sentence (9.0 years) and Circuit 41 (Macon and Shelby), Circuit 1 (Clark, Schuyler, and Scotland), Circuit 39 (Barry, Lawrence, and Stone), Circuit 37 (Carter, Howell, Oregon, and Shannon), and Circuit 30 (Benton, Dallas, Hickory, Polk, and Webster) has the lowest average sentence (4.5 years).

Although these rankings indicate that sentencing standards appear very different between courts, small numbers may add to variability and there may be differences in the level of crime, the type of crime and in the prior criminal history of the offender population. For example, St. Louis City has a higher percentage of violent crime than other circuits and that would explain the high average prison sentence in St. Louis City. The high volume of crime in St. Louis may explain the low proportion of sentences that result in a prison sentence.

To account for some of the underlying factors, the data has been aggregated into three types of circuit court based upon the size of the resident population and sentencing has been compared for similar offense groups. This analysis is presented after the circuit court ranking charts.

Prison Sentences as a Percentage of all Dispositions in FY09 by Circuit
Ranked by Percentage in Descending Order.

Circuits Court	Counties	Prison Sentences	Prison Sentences as a Percentage of all Dispositions
18	Cooper, Pettis	145	48.7%
5	Andrew, Buchanan	286	45.8%
13	Boone, Callaway	363	43.1%
29	Jasper	177	41.0%
7	Clay	176	38.0%
19	Cole	124	34.7%
43	Caldwell, Clinton, Daviess, DeKalb, Livingston	117	33.9%
33	Mississippi, Scott	133	33.2%
6	Platte	64	33.0%
44	Douglas, Ozark, Wright	59	33.0%
32	Bollinger, Cape Girardeau, Perry	155	32.9%
24	Madison, St. Francois, Ste. Genevieve, Washington	215	32.5%
15	Lafayette, Saline	130	31.0%
36	Butler, Ripley	87	29.9%
37	Carter, Howell, Oregon, Shannon	70	28.7%
10	Marion, Monroe, Ralls	55	28.6%
17	Cass, Johnson	118	28.6%
11	St. Charles	336	26.8%
35	Dunklin, Stoddard	165	26.0%
45	Lincoln, Pike	112	25.8%
14	Howard, Randolph	67	25.3%
26	Camden, Laclede, Miller, Moniteau, Morgan	191	24.1%
34	New Madrid, Pemiscot	113	24.0%
40	McDonald, Newton	82	23.9%
30	Benton, Dallas, Hickory, Polk, Webster	103	23.9%
22	St. Louis City	800	23.8%
23	Jefferson	144	22.4%
38	Christian, Taney	148	22.3%
16	Jackson	655	22.0%
25	Maries, Phelps, Pulaski, Texas	109	21.8%
39	Barry, Lawrence, Stone	127	21.5%
3	Grundy, Harrison, Mercer, Putnam	33	21.3%
1	Clark, Schuyler, Scotland	10	21.3%
31	Greene	267	20.9%
21	St. Louis County	638	20.3%
8	Carroll, Ray	33	19.5%
12	Audrain, Montgomery, Warren	118	19.4%
4	Atchison, Gentry, Holt, Nodaway, Worth	33	18.6%
41	Macon, Shelby	21	18.6%
42	Crawford, Dent, Iron, Reynolds, Wayne	78	18.5%
20	Franklin, Gasconade, Osage	102	18.3%
27	Bates, Henry, St. Clair	48	17.5%
9	Chariton, Linn, Sullivan	19	15.2%
28	Barton, Cedar, Dade, Vernon	34	15.0%
2	Adair, Knox, Lewis	19	10.8%

Statewide Average 25.6%

**120 Day & LT Drug Sentences as a Percentage of
All Prison Sentences and 120 Day Sentences in FY09 by Circuit
Ranked by Percentage in Descending Order.**

Circuits Court	Counties	120D/LT Sentences	120 Day & LT Drug Sentences as a Percentage of all Prison Sentences and 120 day Sentences
2	Adair, Knox, Lewis	24	55.8%
12	Audrain, Montgomery, Warren	124	51.2%
35	Dunklin, Stoddard	169	50.6%
42	Crawford, Dent, Iron, Reynolds, Wayne	78	50.0%
8	Carroll, Ray	30	47.6%
14	Howard, Randolph	57	46.0%
1	Clark, Schuyler, Scotland	8	44.4%
10	Marion, Monroe, Ralls	44	44.4%
4	Atchison, Gentry, Holt, Nodaway, Worth	25	43.1%
28	Barton, Cedar, Dade, Vernon	24	41.4%
23	Jefferson	83	36.6%
16	Jackson	357	35.3%
45	Lincoln, Pike	61	35.3%
40	McDonald, Newton	44	34.9%
34	New Madrid, Pemiscot	60	34.7%
15	Lafayette, Saline	66	33.7%
27	Bates, Henry, St. Clair	23	32.4%
9	Chariton, Linn, Sullivan	9	32.1%
3	Grundy, Harrison, Mercer, Putnam	15	31.3%
38	Christian, Taney	62	29.5%
20	Franklin, Gasconade, Osage	40	28.2%
39	Barry, Lawrence, Stone	49	27.8%
41	Macon, Shelby	8	27.6%
22	St. Louis City	304	27.5%
30	Benton, Dallas, Hickory, Polk, Webster	39	27.5%
31	Greene	101	27.4%
43	Caldwell, Clinton, Daviess, DeKalb, Livingston	40	25.5%
29	Jasper	60	25.3%
19	Cole	41	24.8%
17	Cass, Johnson	39	24.8%
11	St. Charles	111	24.8%
7	Clay	57	24.5%
13	Boone, Callaway	113	23.7%
26	Camden, Laclede, Miller, Moniteau, Morgan	58	23.3%
32	Bollinger, Cape Girardeau, Perry	47	23.3%
25	Maries, Phelps, Pulaski, Texas	33	23.2%
33	Mississippi, Scott	37	21.8%
21	St. Louis County	174	21.4%
5	Andrew, Buchanan	65	18.5%
24	Madison, St. Francois, Ste. Genevieve, Washington	45	17.3%
36	Butler, Ripley	16	15.5%
18	Cooper, Pettis	23	13.7%
37	Carter, Howell, Oregon, Shannon	11	13.6%
6	Platte	9	12.3%
44	Douglas, Ozark, Wright	7	10.6%

Statewide Average 29.0%

Average Prison Sentences in Years in FY09 by Circuit
Ranked by Average Prison Sentence in Descending Order.

Circuits Court	Counties	Prison Sentences	Average Prison Sentence (yrs.)
22	St. Louis City	800	9.0
16	Jackson	655	7.7
14	Howard, Randolph	67	7.3
31	Greene	267	7.3
21	St. Louis County	638	7.1
42	Crawford, Dent, Iron, Reynolds, Wayne	78	7.1
25	Maries, Phelps, Pulaski, Texas	109	7.0
24	Madison, St. Francois, Ste. Genevieve, Washington	215	6.9
8	Carroll, Ray	33	6.9
12	Audrain, Montgomery, Warren	118	6.9
11	St. Charles	336	6.8
34	New Madrid, Pemiscot	113	6.7
20	Franklin, Gasconade, Osage	102	6.7
23	Jefferson	144	6.6
27	Bates, Henry, St. Clair	48	6.6
35	Dunklin, Stoddard	165	6.5
28	Barton, Cedar, Dade, Vernon	34	6.4
6	Platte	64	6.4
15	Lafayette, Saline	130	6.2
45	Lincoln, Pike	112	6.0
17	Cass, Johnson	118	5.9
3	Grundy, Harrison, Mercer, Putnam	33	5.9
40	McDonald, Newton	82	5.8
38	Christian, Taney	148	5.7
10	Marion, Monroe, Ralls	55	5.7
9	Chariton, Linn, Sullivan	19	5.7
36	Butler, Ripley	87	5.7
5	Andrew, Buchanan	286	5.7
13	Boone, Callaway	363	5.5
2	Adair, Knox, Lewis	19	5.5
29	Jasper	177	5.5
32	Bollinger, Cape Girardeau, Perry	155	5.4
4	Atchison, Gentry, Holt, Nodaway, Worth	33	5.4
7	Clay	176	5.4
43	Caldwell, Clinton, Daviess, DeKalb, Livingston	117	5.3
26	Camden, Laclede, Miller, Moniteau, Morgan	191	5.3
44	Douglas, Ozark, Wright	59	5.3
33	Mississippi, Scott	133	5.1
18	Cooper, Pettis	145	4.9
19	Cole	124	4.8
41	Macon, Shelby	21	4.5
1	Clark, Schuyler, Scotland	10	4.5
39	Barry, Lawrence, Stone	127	4.5
37	Carter, Howell, Oregon, Shannon	70	4.5
30	Benton, Dallas, Hickory, Polk, Webster	103	4.5

Statewide Average 6.6

Prison Sentences as a Percentage of all Dispositions in FY09 by County
Ranking is in Descending Order

Ranking	County Name	Circuit Court	Prison Sentences	As a Percent of All Dispositions	Ranking	County Name	Circuit Court	Prison Sentences	As a Percent of All Dispositions
109	Adair	2	12	11.1%	23	Livingston	43	36	33.0%
7	Andrew	5	12	41.4%	107	Macon	41	10	11.8%
98	Atchison	4	4	16.0%	44	Madison	24	18	26.9%
61	Audrain	12	50	22.6%	93	Maries	25	3	17.6%
53	Barry	39	48	24.5%	26	Marion	10	43	32.6%
107	Barton	28	6	11.8%	89	McDonald	40	24	18.3%
104	Bates	27	13	14.9%	90	Mercer	3	4	18.2%
27	Benton	30	22	32.4%	80	Miller	26	41	19.7%
56	Bollinger	32	6	24.0%	6	Mississippi	33	54	41.9%
4	Boone	13	294	44.7%	28	Moniteau	26	19	32.2%
3	Buchanan	5	274	46.1%	62	Monroe	10	7	22.6%
31	Butler	36	75	31.6%	65	Montgomery	12	24	22.2%
72	Caldwell	43	8	21.1%	96	Morgan	26	20	16.8%
15	Callaway	13	67	36.4%	82	New Madrid	34	47	19.7%
59	Camden	26	55	23.5%	48	Newton	40	58	26.1%
14	Cape Girardeau	32	120	36.9%	84	Nodaway	4	16	19.0%
87	Carroll	8	8	18.6%	55	Oregon	37	8	24.2%
16	Carter	37	8	36.4%	13	Osage	20	9	37.5%
34	Cass	17	70	29.5%	85	Ozark	44	7	18.9%
101	Cedar	28	11	15.5%	36	Pemiscot	34	67	28.9%
54	Chariton	9	9	24.3%	57	Perry	32	29	24.0%
86	Christian	38	58	18.6%	1	Pettis	18	113	56.5%
51	Clark	1	7	25.0%	68	Phelps	25	55	21.8%
12	Clay	7	176	38.0%	69	Pike	45	29	21.6%
44	Clinton	43	18	26.9%	21	Platte	6	66	33.5%
20	Cole	19	124	34.7%	103	Polk	30	20	15.2%
24	Cooper	18	32	33.0%	73	Pulaski	25	33	20.8%
81	Crawford	42	37	19.7%	112	Putnam	3	2	8.7%
77	Dade	28	6	20.0%	77	Ralls	10	6	20.0%
39	Dallas	30	26	28.3%	50	Randolph	14	56	25.3%
17	Daviess	43	25	36.2%	79	Ray	8	25	19.8%
2	Dekalb	43	30	49.2%	114	Reynolds	42	0	0.0%
92	Dent	42	15	18.1%	73	Ripley	36	11	20.8%
33	Douglas	44	18	31.0%	18	Saline	15	54	36.0%
38	Dunklin	35	122	28.3%	114	Schuylerville	1	0	0.0%
99	Franklin	20	77	15.9%	5	Scotland	1	4	44.4%
32	Gasconade	20	15	31.3%	35	Scott	33	79	29.0%
90	Gentry	4	4	18.2%	94	Shannon	37	7	17.5%
66	Greene	31	289	22.2%	9	Shelby	41	11	39.3%
70	Grundy	3	11	21.6%	46	St. Charles	11	334	26.7%
41	Harrison	3	16	28.1%	42	St. Clair	27	12	27.9%
95	Henry	27	25	16.9%	51	Ste. Genevieve	24	23	25.0%
11	Hickory	30	16	38.1%	19	St. Francois	24	124	35.4%
97	Holt	4	6	16.2%	58	St. Louis City	22	794	23.7%
60	Howard	14	10	23.3%	75	St. Louis Cnty	21	646	20.5%
29	Howell	37	48	32.0%	71	Stoddard	35	43	21.1%
47	Iron	42	16	26.7%	88	Stone	39	31	18.6%
67	Jackson	16	653	22.0%	113	Sullivan	9	3	7.5%
8	Jasper	29	176	40.8%	76	Taney	38	68	20.3%
63	Jefferson	23	144	22.4%	49	Texas	25	18	25.7%
43	Johnson	17	48	27.3%	100	Vernon	28	12	15.8%
111	Knox	2	1	9.1%	102	Warren	12	43	15.4%
25	Laclede	26	58	33.0%	29	Washington	24	48	32.0%
37	Lafayette	15	77	28.3%	105	Wayne	42	10	13.7%
64	Lawrence	39	48	22.3%	83	Webster	30	19	19.6%
110	Lewis	2	6	10.0%	22	Worth	4	3	33.3%
40	Lincoln	45	84	28.2%	10	Wright	44	33	38.8%
106	Linn	9	6	12.8%	Statewide Average				25.6%

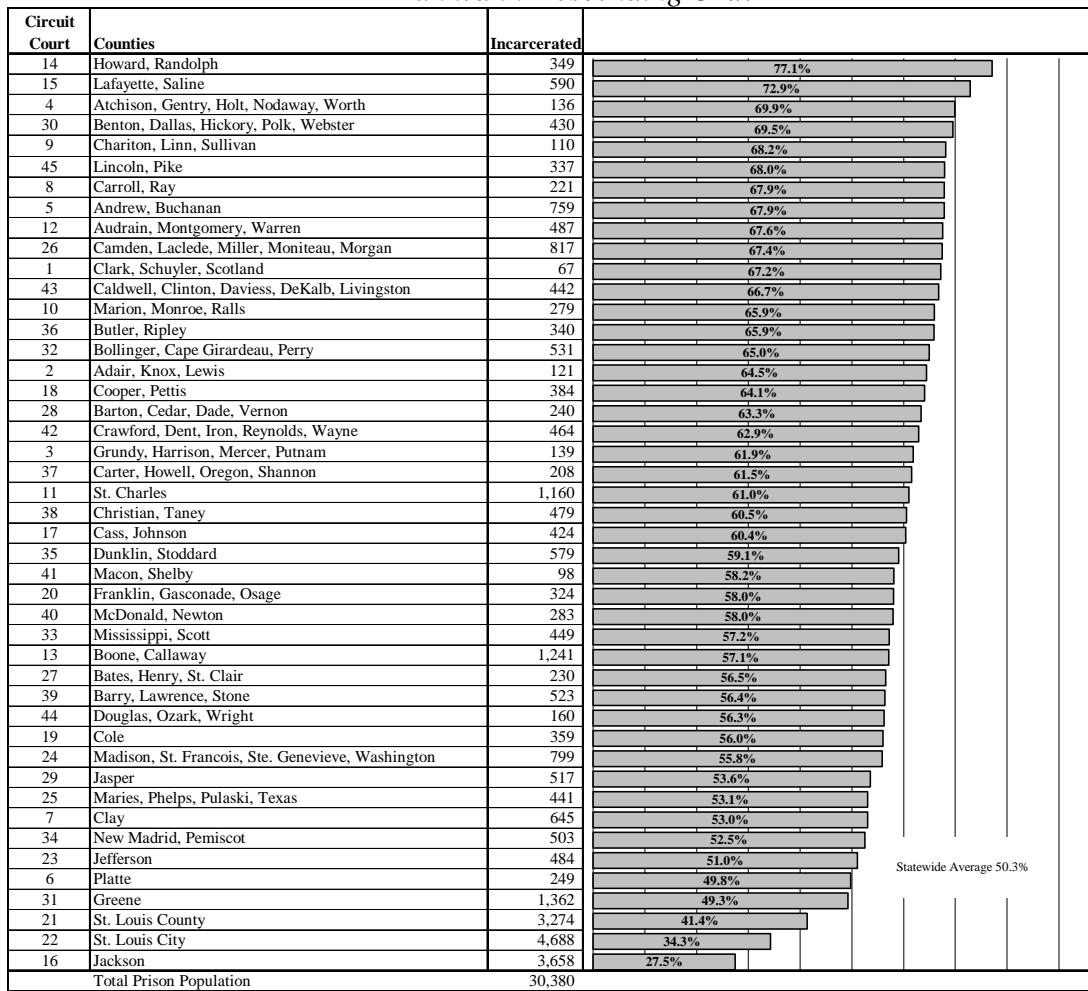
**120 Day & LT Drug Sentences as a Percentage of
All Prison Sentences and 120 Day Sentences in FY09 by County**
Ranking is in Descending Order

Ranking	County Name	Circuit Court	120D/LT Sentences	As a Percent of Prison+120D/LT	Ranking	County Name	Circuit Court	120D/LT Sentences	As a Percent of Prison+120D/LT
11	Adair	2	13	52.0%	99	Livingston	43	6	14.3%
110	Andrew	5	1	7.7%	26	Macon	41	7	41.2%
87	Atchison	4	1	20.0%	84	Madison	24	5	21.7%
21	Audrain	12	43	46.2%	71	Maries	25	1	25.0%
93	Barry	39	9	15.8%	28	Marion	10	29	40.3%
9	Barton	28	7	53.8%	19	McDonald	40	21	46.7%
50	Bates	27	6	31.6%	43	Mercer	3	2	33.3%
57	Benton	30	9	29.0%	88	Miller	26	10	19.6%
29	Bollinger	32	4	40.0%	91	Mississippi	33	12	18.2%
83	Boone	13	84	22.2%	33	Moniteau	26	12	38.7%
89	Buchanan	5	64	18.9%	37	Monroe	10	4	36.4%
94	Butler	36	14	15.7%	25	Montgomery	12	17	41.5%
7	Caldwell	43	10	55.6%	103	Morgan	26	3	13.0%
55	Callaway	13	29	30.2%	34	New Madrid	34	29	38.2%
82	Camden	26	16	22.5%	61	Newton	40	23	28.4%
71	Cape Girardeau	32	40	25.0%	13	Nodaway	4	16	50.0%
5	Carroll	8	11	57.9%	65	Oregon	37	3	27.3%
106	Carter	37	1	11.1%	71	Osage	20	3	25.0%
68	Cass	17	24	25.5%	37	Ozark	44	4	36.4%
96	Cedar	28	2	15.4%	49	Pemiscot	34	31	31.6%
52	Chariton	9	4	30.8%	107	Perry	32	3	9.4%
32	Christian	38	37	38.9%	109	Pettis	18	10	8.1%
24	Clark	1	5	41.7%	80	Phelps	25	17	23.6%
76	Clay	7	57	24.5%	17	Pike	45	26	47.3%
52	Clinton	43	8	30.8%	105	Platte	6	9	12.0%
75	Cole	19	41	24.8%	59	Polk	30	8	28.6%
58	Cooper	18	13	28.9%	96	Pulaski	25	6	15.4%
8	Crawford	42	45	54.9%	43	Putnam	3	1	33.3%
9	Dade	28	7	53.8%	2	Ralls	10	11	64.7%
90	Dallas	30	6	18.8%	18	Randolph	14	50	47.2%
59	Daviess	43	10	28.6%	22	Ray	8	19	43.2%
92	Dekalb	43	6	16.7%	111	Reynolds	42	0	0.0%
20	Dent	42	13	46.4%	96	Ripley	36	2	15.4%
99	Douglas	44	3	14.3%	56	Saline	15	23	29.9%
12	Dunklin	35	126	50.8%	111	Schuylerville	1	0	0.0%
51	Franklin	20	35	31.3%	43	Scotland	1	2	33.3%
86	Gasconade	20	4	21.1%	77	Scott	33	25	24.0%
13	Gentry	4	4	50.0%	111	Shannon	37	0	0.0%
67	Greene	31	103	26.3%	108	Shelby	41	1	8.3%
42	Grundy	3	6	35.3%	74	St. Charles	11	111	24.9%
65	Harrison	3	6	27.3%	43	St. Clair	27	6	33.3%
47	Henry	27	12	32.4%	62	Ste. Genevieve	24	9	28.1%
78	Hickory	30	5	23.8%	95	St. Francois	24	23	15.6%
29	Holt	4	4	40.0%	63	St. Louis City	22	303	27.6%
26	Howard	14	7	41.2%	85	St. Louis Cnty	21	174	21.2%
104	Howell	37	7	12.7%	13	Stoddard	35	43	50.0%
23	Iron	42	12	42.9%	40	Stone	39	17	35.4%
41	Jackson	16	357	35.3%	6	Sullivan	9	4	57.1%
69	Jasper	29	60	25.4%	70	Taney	38	23	25.3%
36	Jefferson	23	83	36.6%	52	Texas	25	8	30.8%
78	Johnson	17	15	23.8%	29	Vernon	28	8	40.0%
1	Knox	2	2	66.7%	4	Warren	12	65	60.2%
81	Laclede	26	17	22.7%	99	Washington	24	8	14.3%
39	Lafayette	15	43	35.8%	16	Wayne	42	9	47.4%
48	Lawrence	39	23	32.4%	35	Webster	30	11	36.7%
3	Lewis	2	10	62.5%	111	Worth	4	0	0.0%
64	Lincoln	45	32	27.6%	111	Wright	44	0	0.0%
99	Linn	9	1	14.3%	Statewide Average				
					29.0%				

Average Prison Sentences in Years in FY09 by County
Ranking is in Descending Order

Ranking	County Name	Circuit Court	Prison Sentences	Average Prison Sentence (yrs.)	Average Prison Sentence (yrs.)		
					Ranking	County Name	Circuit Court
77	Adair	2	12	5.1	14	Livingston	43
99	Andrew	5	12	4.1	92	Macon	41
71	Atchison	4	4	5.3	25	Madison	24
46	Audrain	12	50	6.0	16	Maries	25
78	Barry	39	48	4.9	60	Marion	10
4	Barton	28	6	9.5	20	McDonald	40
37	Bates	27	13	6.5	55	Mercer	3
89	Benton	30	22	4.5	81	Miller	26
88	Bollinger	32	6	4.5	79	Mississippi	33
61	Boone	13	294	5.6	51	Moniteau	26
57	Buchanan	5	274	5.7	68	Monroe	10
50	Butler	36	75	6.0	8	Montgomery	12
71	Caldwell	43	8	5.3	67	Morgan	26
70	Callaway	13	67	5.3	13	New Madrid	34
96	Camden	26	55	4.3	73	Newton	40
59	Cape Girardeau	32	120	5.7	43	Nodaway	4
9	Carroll	8	8	8.0	95	Oregon	37
7	Carter	37	8	8.5	25	Osage	20
62	Cass	17	70	5.6	1	Ozark	44
48	Cedar	28	11	6.0	47	Pemiscot	34
10	Chariton	9	9	7.8	87	Perry	32
64	Christian	38	58	5.5	75	Pettis	18
68	Clark	1	7	5.3	28	Phelps	25
65	Clay	7	176	5.4	53	Pike	45
107	Clinton	43	18	3.7	40	Platte	6
80	Cole	19	124	4.8	92	Polk	30
103	Cooper	18	32	3.9	19	Pulaski	25
18	Crawford	42	37	7.2	108	Putnam	3
85	Dade	28	6	4.7	29	Ralls	10
111	Dallas	30	26	3.4	34	Randolph	14
100	Daviess	43	25	4.1	36	Ray	8
82	Dekalb	43	30	4.8	114	Reynolds	42
3	Dent	42	15	10.5	105	Ripley	36
83	Douglas	44	18	4.8	38	Saline	15
31	Dunklin	35	122	6.8	114	Schuyler	1
44	Franklin	20	77	6.2	112	Scotland	1
6	Gasconade	20	15	8.7	66	Scott	33
108	Gentry	4	4	3.5	91	Shannon	37
17	Greene	31	289	7.2	86	Shelby	41
102	Grundy	3	11	4.0	30	St. Charles	11
12	Harrison	3	16	7.5	52	St. Clair	27
27	Henry	27	25	6.8	39	Ste. Genevieve	24
103	Hickory	30	16	3.9	21	St. Francois	24
76	Holt	4	6	5.2	5	St. Louis City	22
2	Howard	14	10	11.1	22	St. Louis Cnty	21
106	Howell	37	48	3.8	56	Stoddard	35
84	Iron	42	16	4.8	101	Stone	39
11	Jackson	16	653	7.7	97	Sullivan	9
63	Jasper	29	176	5.5	58	Taney	38
33	Jefferson	23	144	6.6	15	Texas	25
42	Johnson	17	48	6.3	54	Vernon	28
113	Knox	2	1	2.0	23	Warren	12
41	Laclede	26	58	6.3	32	Washington	24
49	Lafayette	15	77	6.0	74	Wayne	42
94	Lawrence	39	48	4.4	35	Webster	30
24	Lewis	2	6	7.0	97	Worth	4
45	Lincoln	45	84	6.1	89	Wright	44
108	Linn	9	6	3.5	Statewide Average		
					6.6		

Nonviolent Offenders as Percent of All Incarcerated Offenders
Incarcerated on June 30, 2009
Ranked in Descending Order



One expected result of the Missouri's truth in sentencing law enacted in 1994 was an increase in the number of incarcerated offenders convicted of violent offenses. In June 2009 the percentage of the incarcerated population convicted of nonviolent offenses was 50% which was the same percentage in June 1994 and since 1994 there has been a doubling of the incarcerated population. An indication, therefore, of the overuse of prison could be the high percentage of incarcerated offenders sentenced by counties for nonviolent offenses. The violent/nonviolent split may, however, be the result of differing crime rates for violent and nonviolent offenses so the county analysis overleaf shows the crime and conviction rates for nonviolent offenses and the incarceration rates for nonviolent offenses.

An Example of Interpretation

Greene is a county that has a low percentage of nonviolent offenses, high rates of nonviolent crime but low incarceration rates for nonviolent offenses. Lincoln is a county with a high percentage of incarcerated nonviolent offenders, average rates of nonviolent crime but high incarceration rates for nonviolent offenses

Nonviolent Offenders as a Pct. of all Offenders , Crime and Conviction Rate, Incarceration Rate *
Incarcerated on June 30, 2009
County Rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent with Nonviolent Offenses		Percent with Nonviolent Offenses Ranking		Nonviolent Crime & Conviction Rate per 100,000 **		Nonviolent Crime & Conviction Rate per 100,000 ** Ranking		Nonviolent Incarceration Rate per 100,000 ***		Nonviolent Incarceration Rate per 100,000 *** Ranking	
		Nonviolent Offenses	Percent with Nonviolent Offenses Ranking	Nonviolent Offenses	Percent with Nonviolent Offenses Ranking	Nonviolent Crime & Conviction Rate per 100,000 **	Nonviolent Crime & Conviction Rate per 100,000 ** Ranking	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 *** Ranking	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 *** Ranking	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 *** Ranking
Adair, 2	78	62.8%	47	1,209	57	118	78						
Andrew, 5	37	64.9%	44	844	91	72	102						
Atchison, 4	16	62.5%	50	543	108	181	37						
Audrain, 12	176	61.4%	59	1,154	62	208	25						
Barry, 39	163	59.5%	71	1,432	36	129	63						
Barton, 28	61	63.9%	45	1,153	63	207	27						
Bates, 27	53	50.9%	99	1,350	46	359	5						
Benton, 30	82	69.5%	25	1,135	64	125	70						
Bollinger, 32	42	73.8%	9	714	98	97	88						
Boone, 13	1,004	56.7%	79	1,938	18	123	72						
Buchanan, 5	722	68.0%	28	2,536	6	224	13						
Butler, 36	277	66.1%	37	2,473	7	217	16						
Caldwell, 43	53	79.2%	3	872	90	172	42						
Callaway, 13	237	59.1%	73	2,089	15	401	2						
Camden, 26	254	60.6%	64	1,591	29	209	24						
Cape Girardeau, 32	406	65.0%	43	2,305	9	138	60						
Carroll, 8	62	53.2%	92	580	107	165	47						
Carter, 37	27	40.7%	110	532	110	223	14						
Cass, 17	239	59.4%	72	1,280	51	164	48						
Cedar, 28	66	69.7%	24	1,035	71	181	38						
Chariton, 9	45	60.0%	68	401	114	168	45						
Christian, 38	206	62.6%	48	1,003	78	127	66						
Clark, 1	39	66.7%	34	605	105	67	104						
Clay, 7	645	53.0%	94	1,409	40	129	64						
Clinton, 43	83	57.8%	76	1,120	65	163	50						
Cole, 19	359	56.0%	81	1,722	25	89	92						
Cooper, 18	111	60.4%	65	1,654	27	160	52						
Crawford, 42	188	65.4%	39	1,770	23	159	53						
Dade, 28	23	65.2%	40	735	96	216	19						
Dallas, 30	75	68.0%	29	1,161	61	84	95						
Daviess, 43	78	74.4%	8	764	94	212	22						
Dekalb, 43	88	51.1%	97	622	103	373	3						
Dent, 42	113	60.2%	67	1,175	58	99	87						
Douglas, 44	56	62.5%	51	1,362	44	46	110						
Dunklin, 35	420	55.5%	85	1,941	17	165	46						
Franklin, 20	246	56.5%	80	1,421	37	112	82						
Gasconade, 20	44	63.6%	46	1,408	41	188	34						
Gentry, 4	23	65.2%	41	654	101	146	56						
Greene, 31	1,362	49.3%	105	3,407	2	122	73						
Grundy, 3	46	60.9%	62	1,287	50	111	83						
Harrison, 3	49	71.4%	17	1,097	67	128	65						
Henry, 27	139	59.7%	70	1,784	22	234	12						
Hickory, 30	33	72.7%	13	920	83	114	80						
Holt, 4	24	79.2%	4	1,175	59	92	90						
Howard, 14	64	67.2%	33	535	109	33	113						
Howell, 37	125	66.4%	36	2,278	11	297	8						
Iron, 42	71	57.7%	78	772	93	49	108						
Jackson, 16	3,658	27.5%	115	3,068	4	60	105						
Jasper, 29	517	53.6%	91	2,834	5	107	84						
Jefferson, 23	484	51.0%	98	1,678	26	416	1						
Johnson, 17	185	61.6%	56	1,455	35	289	9						
Knox, 2	8	50.0%	101	1,509	31	178	40						
Laclede, 26	250	71.2%	19	1,936	19	211	23						
Lafayette, 15	345	73.6%	10	1,259	54	127	68						
Lawrence, 39	206	55.8%	83	1,838	21	180	39						
Lewis, 2	35	71.4%	18	1,057	69	307	7						
Lincoln, 45	228	71.1%	20	1,026	74	358	6						
Linn, 9	40	77.5%	5	1,004	77	119	76						

* Nonviolent includes Drugs, DWI and other nonviolent offenses.

** Average of property crime reported and felony convictions expressed as a rate per 100,000 population on July 1, 2008

*** Number of offenders incarcerated for a nonviolent offense expressed as a rate per 100,000 population on July 1, 2008

Nonviolent Offenders as a Pet. of all Offenders , Crime and Conviction Rate, Incarceration Rate *

Incarcerated on June 30, 2009

County Rankings are in descending order (highest score first)

County, Circuit	Incarcerated	Percent with Nonviolent Offenses	Percent with Nonviolent Offenses Ranking	Nonviolent Crime & Conviction Rate per 100,000 **	Nonviolent		
					Crime & Conviction Rate per 100,000 ** Ranking	Nonviolent Incarceration Rate per 100,000 ***	Nonviolent Incarceration Rate per 100,000 *** Ranking
Livingston, 43	140	72.9%	12	434	113	119	77
Macon, 41	59	55.9%	82	890	85	90	91
Madison, 24	67	53.7%	90	1,029	73	141	59
Maries, 25	16	62.5%	52	668	100	113	81
Marion, 10	194	66.5%	35	3,254	3	131	62
McDonald, 40	112	50.9%	100	1,379	42	25	114
Mercer, 3	24	45.8%	107	608	104	196	32
Miller, 26	180	71.7%	16	1,223	55	169	44
Mississippi, 33	171	51.5%	96	1,337	47	79	99
Moniteau, 26	55	67.3%	32	832	92	59	106
Monroe, 10	47	70.2%	22	1,264	53	72	101
Montgomery, 12	93	62.4%	54	1,170	60	217	17
Morgan, 26	78	67.9%	31	1,300	49	161	51
New Madrid, 34	250	55.2%	86	653	102	22	115
Newton, 40	171	62.6%	49	1,536	30	104	85
Nodaway, 4	71	70.4%	21	1,216	56	183	36
Oregon, 37	36	72.2%	14	526	111	78	100
Osage, 20	34	61.8%	55	881	87	45	112
Ozark, 44	33	48.5%	106	1,102	66	142	58
Pemiscot, 34	253	49.8%	103	1,954	16	88	93
Perry, 32	83	60.2%	66	942	82	190	33
Pettis, 18	273	65.6%	38	2,396	8	212	20
Phelps, 25	175	53.1%	93	2,119	13	126	69
Pike, 45	109	61.5%	58	999	79	152	55
Platte, 6	249	49.8%	104	1,415	39	142	57
Polk, 30	120	76.7%	6	1,331	48	84	96
Pulaski, 25	159	43.4%	108	1,276	52	127	67
Putnam, 3	20	60.0%	69	489	112	164	49
Ralls, 10	38	57.9%	75	1,043	70	220	15
Randolph, 14	285	79.3%	2	1,483	34	53	107
Ray, 8	159	73.6%	11	1,084	68	216	18
Reynolds, 42	15	40.0%	111	592	106	83	98
Ripley, 36	63	65.1%	42	1,502	32	171	43
Saline, 15	245	71.8%	15	1,500	33	125	71
Schuyler, 1	8	37.5%	113	292	115	49	109
Scotland, 1	20	80.0%	1	724	97	88	94
Scott, 33	278	60.8%	63	1,862	20	138	61
Shannon, 37	20	40.0%	112	687	99	250	10
Shelby, 41	39	61.5%	57	890	86	122	74
St. Charles, 11	1,160	61.0%	61	1,353	45	240	11
St. Clair, 27	38	52.6%	95	1,420	38	84	97
Ste. Genevieve, 24	62	61.3%	60	873	89	199	30
St. Francois, 24	474	55.7%	84	1,618	28	174	41
St. Louis City, 22	4,688	34.3%	114	5,063	1	208	26
St. Louis Cnty, 21	3,274	41.4%	109	2,101	14	202	28
Stoddard, 35	159	68.6%	26	1,024	75	100	86
Stone, 39	154	53.9%	89	1,375	43	71	103
Sullivan, 9	25	68.0%	30	969	80	199	31
Taney, 38	273	59.0%	74	2,290	10	186	35
Texas, 25	91	68.1%	27	909	84	122	75
Vernon, 28	90	57.8%	77	2,254	12	115	79
Warren, 12	218	74.8%	7	1,738	24	202	29
Washington, 24	196	55.1%	87	880	88	212	21
Wayne, 42	77	70.1%	23	1,015	76	45	111
Webster, 30	120	62.5%	53	955	81	155	54
Worth, 4	2	50.0%	102	740	95	95	89
Wright, 44	71	54.9%	88	1,034	72	367	4
Statewide	30,380	50.3%		2,090		125	

* Nonviolent includes Drugs, DWI and other nonviolent offenses.

** Average of property crime reported and felony convictions expressed as a rate per 100,000 population on July 1, 2008

*** Number of offenders incarcerated for a nonviolent offense expressed as a rate per 100,000 population on July 1, 2008

Comparing sentencing when grouped into three geographical areas based upon size of population (Metropolitan, Other First Class Counties and Rural) indicates that the greatest differences are between the metropolitan areas and the rest of the state. The metropolitan areas have the highest prison sentences but the lowest percentage of prison sentences. Rural counties have higher percentages of probation and shock and treatment sentences than first class counties. Within the metro areas Jackson County has the highest percent of shock and treatment sentences but all three metro counties have similar prison percentages.

New Sentencing and DOC Commitment, FY09

All Offenses

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
Jackson Cnty	2,976	66.0	12.0	22.0	7.7
St Louis Cnty	3,145	74.2	5.5	20.3	7.1
St. Louis City	3,362	67.2	9.0	23.8	9.0
Metro	9,483	69.1	8.8	22.1	8.0
First Class	8,322	60.0	9.9	30.1	6.0
Rural	9,859	62.3	12.5	25.2	5.9
Total	27,664	64.0	10.4	25.6	6.6

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 4

Comparing the three geographical areas for similar offenses reduces the disparity in prison sentences but the differences in sentence disposition remain. The metro areas have the lowest percent of sentences receiving prison sentences. This is true for drugs, DWI and other non-violent offenses. For violent offenses there is a much greater similarity in sentencing. For Class A, B and C felony violent offenses there is very little difference in disposition or prison sentence between the metropolitan counties and the other counties. For Class D violent offenses there is a difference.

New Sentencing and DOC Commitment, FY09
By Offense Group

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
<i>Violent</i>					
Jackson Cnty	606	38.0	16.3	45.7	10.8
St Louis Cnty	379	44.6	7.4	48.0	11.3
St. Louis City	523	34.6	7.5	57.9	12.5
Metro	1,508	38.5	11.0	50.5	11.6
First Class	850	41.9	10.4	47.8	9.8
Rural	1,083	48.8	11.8	39.3	8.3
Total Violent	3,441	42.6	11.1	46.3	10.3
<i>Sex</i>					
Jackson Cnty	85	31.8	8.2	60.0	13.3
St Louis Cnty	84	40.5	4.8	54.8	11.0
St. Louis City	86	31.4	5.8	62.8	14.5
Metro	255	34.5	6.3	59.2	13.0
First Class	336	31.8	6.0	62.2	10.1
Rural	419	28.2	16.5	55.4	9.2
Total Sex	1,010	31.0	10.4	58.6	10.5
<i>Drugs</i>					
Jackson Cnty	1,134	86.1	7.1	6.9	4.7
St Louis Cnty	753	81.0	6.8	12.2	4.8
St. Louis City	1,338	75.3	11.3	13.4	7.0
Metro	3,225	80.4	8.7	10.8	5.9
First Class	2,812	67.8	9.9	22.3	5.5
Rural	3,063	66.6	12.7	20.7	6.0
Total Drugs	9,100	71.9	10.4	17.7	5.8
<i>DWI</i>					
Jackson Cnty	111	65.8	21.6	12.6	3.1
St Louis Cnty	48	68.8	10.4	20.8	3.5
St. Louis City	2	50.0	50.0	-	-
Metro	161	66.5	18.6	14.9	3.3
First Class	512	65.2	17.0	17.8	3.0
Rural	489	66.3	17.4	16.4	3.2
Total DWI	1,162	65.8	17.4	16.8	3.1
<i>Non-Violent</i>					
Jackson Cnty	1,040	63.3	14.1	22.6	4.2
St Louis Cnty	1,881	79.1	4.6	16.4	4.8
St. Louis City	1,413	73.7	7.6	18.7	5.3
Metro	4,334	73.5	7.9	18.6	4.8
First Class	3,812	60.1	9.2	30.7	4.4
Rural	4,805	65.2	11.7	23.1	4.5
Total Non-Violent	12,951	66.5	9.7	23.8	4.5
Total	27,664	64.0	10.4	25.6	6.6

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44

New Sentencing and DOC Commitment, FY09

Violent Offenses by Felony Class

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
<i>Class A</i>					
Jackson Cnty	155	23.2	9.7	67.1	17.3
St Louis Cnty	101	20.8	3.0	76.2	17.1
St. Louis City	167	10.8	3.6	85.6	17.5
Metro	423	17.7	5.7	76.6	17.3
First Class	135	8.1	5.9	85.9	18.8
Rural	78	16.7	5.1	78.2	20.8
Total Class A	636	15.6	5.7	78.8	18.1
<i>Class B</i>					
Jackson Cnty	168	36.9	20.8	42.3	8.2
St Louis Cnty	114	43.9	12.3	43.9	8.4
St. Louis City	154	33.1	11.7	55.2	8.7
Metro	436	37.4	15.4	47.2	8.5
First Class	158	33.5	10.1	56.3	9.1
Rural	154	32.5	13.0	54.5	8.3
Total Class B	748	35.6	13.8	50.7	8.6
<i>Class C</i>					
Jackson Cnty	242	49.2	18.6	32.2	4.9
St Louis Cnty	145	63.4	7.6	29.0	5.0
St. Louis City	161	64.6	8.1	27.3	5.1
Metro	548	57.5	12.6	29.9	5.0
First Class	493	53.3	11.8	34.9	4.8
Rural	786	56.9	13.0	30.2	4.9
Total Class C	1,827	56.1	12.5	31.4	4.9
<i>Class D</i>					
Jackson Cnty	2	50.0	-	50.0	4.0
St Louis Cnty	3	100.0	-	-	-
St. Louis City	3	100.0	-	-	-
Metro	8	87.5	-	12.5	4.0
First Class	34	58.8	5.9	35.3	3.2
Rural	22	36.4	4.5	59.1	3.5
Total Class D	64	54.7	4.7	40.6	3.4
<i>Unclassed</i>					
Jackson Cnty	-	-	-	-	-
St Louis Cnty	-	-	-	-	-
St. Louis City	-	-	-	-	-
Metro	-	-	-	-	-
First Class	-	-	-	-	-
Rural	-	-	-	-	-
Total Unclassed	-	-	-	-	-
Total	3,275	43.5	11.3	45.2	10.3

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,

New Sentencing and DOC Commitment, FY09

Sex Offenses by Felony Class

Circuits	Sentences	Percent Disposition			Ave. Sentence (yrs)
		Probation	Shock/ Treatment	Prison	
<i>Class A</i>					
Jackson Cnty	10	-	-	100.0	20.3
St Louis Cnty	1	-	-	100.0	18.0
St. Louis City	5	-	-	100.0	21.4
Metro	16	-	-	100.0	20.5
First Class	5	20.0	20.0	60.0	11.7
Rural	6	-	-	100.0	17.2
Total Class A	27	3.7	3.7	92.6	18.6
<i>Class B</i>					
Jackson Cnty	13	30.8	30.8	38.5	8.0
St Louis Cnty	3	66.7	33.3	-	-
St. Louis City	6	33.3	-	66.7	9.3
Metro	22	36.4	22.7	40.9	8.6
First Class	38	21.1	5.3	73.7	8.2
Rural	62	25.8	16.1	58.1	8.0
Total Class B	122	26.2	13.9	59.8	8.2
<i>Class C</i>					
Jackson Cnty	19	52.6	10.5	36.8	5.1
St Louis Cnty	31	58.1	9.7	32.3	4.8
St. Louis City	29	72.4	10.3	17.2	6.2
Metro	79	62.0	10.1	27.8	5.2
First Class	115	43.5	7.8	48.7	5.4
Rural	178	29.2	22.5	48.3	5.4
Total Class C	372	40.6	15.3	44.1	5.4
<i>Class D</i>					
Jackson Cnty	10	60.0	10.0	30.0	3.0
St Louis Cnty	19	57.9	-	42.1	3.5
St. Louis City	6	33.3	16.7	50.0	3.0
Metro	35	54.3	5.7	40.0	3.3
First Class	55	60.0	5.5	34.5	2.9
Rural	64	50.0	14.1	35.9	2.9
Total Class D	154	54.5	9.1	36.4	3.0
<i>Unclassed</i>					
Jackson Cnty	32	21.9	-	78.1	15.5
St Louis Cnty	27	7.4	-	92.6	16.0
St. Louis City	35	5.7	-	94.3	16.8
Metro	94	11.7	-	88.3	16.2
First Class	101	8.9	2.0	89.1	15.3
Rural	93	16.1	4.3	79.6	15.7
Total Unclassed	288	12.2	2.1	85.8	15.7
Total	963	31.5	9.9	58.7	10.6

Metro: 16, 21, 22

First Class: 5, 6, 7, 11, 13, 17, 19, 20, 23, 26, 29, 31, 32

Rural: 1, 2, 3, 4, 8, 9, 10, 12, 14, 15, 18, 24, 25, 27, 28, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43,

Sentencing Disparity by Race

The most significant indicator of sentencing disparity by race is the incarceration rate in relation to the respective populations of Blacks, Hispanics and Other Races. The Missouri incarceration rate for Blacks is over 5.5 times that of Other Races and nationally the Black rate is over 6.5 times the White incarceration rate. The incarceration rate for Hispanics in Missouri is lower than for Other Races and is only half the national rate for Hispanics, in contrast to the national statistics where Hispanics are incarcerated at a rate nearly three times that of Other Races

Incarceration Rates By Race, June 2009 (US 2007)

Rate per 100,000 resident population

	Females		Males	
	Missouri	US	Missouri	US
African-American	185	150	3,445	3,138
Hispanic	58	79	563	1,259
White & Other Races	71	50	625	481
Total	83	68	947	943

Source: DOC and BJS Prisoners in 2007, page 4

There are many factors, including socio-economic factors, that play an important part in explaining the differences in incarceration rates between racial and ethnic groups. The analysis the Commission has conducted attempts to identify the relative impacts of severity of offense, prior criminal history and time served in Missouri.

Using the sentencing data for FY09, the comparison between the four racial or ethnic groups indicates that Blacks have the highest average prison sentence, 7.9 years compared to an average of 5.9 years for Whites. The aggregate data also indicates that Hispanics have the highest percentage of prison sentences (34.8%) and Whites have the highest percentage of probation sentences (64.5). 'Other' includes Native Americans and Asian and Pacific Islanders.

New Sentencing and DOC Commitment in FY09 by Race

All Offenses

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	8,958	63.2	9.5	27.2	100.0	7.9
Hispanic	497	55.1	10.1	34.8	100.0	6.0
White	18,062	64.5	10.9	24.5	100.0	5.9
Other	147	67.3	8.2	24.5	100.0	5.8
Total	27,664	64.0	10.4	25.6	100.0	6.6

i. Severity of Offense

The disparity in average prison sentences between races could be explained by differences in the types of offense committed by the different races. Calculating the sentencing indicators by race for each offense group (violent, sex, nonviolent, drugs and DWI) will indicate whether differences in the types of offense are important. For DWI offenses there is little difference in average sentencing between Blacks and Whites but for the other offense types there still are still differences in average sentencing. The differences are, however, much reduced when the racial comparison is made by offense type and felony class.

New Sentencing and DOC Commitment in FY09 by Race Drug Offenses

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	3,166	69.2	11.8	19.0	100.0	6.6
Hispanic	167	64.7	11.4	24.0	100.0	4.9
White	5,726	73.6	9.6	16.9	100.0	5.3
Other	41	73.2	9.8	17.1	100.0	4.6
Total	9,100	71.9	10.4	17.7	100.0	5.8

New Sentencing and DOC Commitment in FY09 by Race DWI Offenses

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	92	58.7	22.8	18.5	100.0	3.0
Hispanic	21	61.9	14.3	23.8	100.0	2.4
White	1,039	66.5	17.0	16.5	100.0	3.1
Other	10	70.0	10.0	20.0	100.0	3.0
Total	1,162	65.8	17.4	16.8	100.0	3.1

New Sentencing and DOC Commitment in FY09 by Race Non-Violent Offenses

Race/ Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
		Probation	Shock/ Treatment	Prison	Percent of Sentence	
Black	3,935	71.3	7.6	21.1	100.0	4.8
Hispanic	207	59.4	8.7	31.9	100.0	3.9
White	8,748	64.4	10.7	24.9	100.0	4.5
Other	61	70.5	6.6	23.0	100.0	3.9
Total	12,951	66.5	9.7	23.8	100.0	4.5

New Sentencing and DOC Commitment in FY09 by Race

Sex Offenses

Felony Class	Race/Hispanic	Sentences	Percent Disposition				Average Prison Sentence (yrs)
			Probation	Shock/Treatment	Prison	Percent of Sentence	
A	Black	13	0.0	0.0	100.0	100.0	21.0
	Hispanic	-	0.0	0.0	0.0	100.0	0.0
	White	15	6.7	6.7	86.7	100.0	15.2
	Other	-	0.0	0.0	0.0	100.0	0.0
	Total	28	3.6	3.6	92.9	100.0	18.1
B	Black	16	25.0	31.3	43.8	100.0	8.4
	Hispanic	4	25.0	0.0	75.0	100.0	8.3
	White	114	28.1	11.4	60.5	100.0	8.2
	Other	-	0.0	0.0	0.0	100.0	0.0
	Total	134	27.6	13.4	59.0	100.0	8.2
C	Black	96	50.0	8.3	41.7	100.0	5.6
	Hispanic	16	43.8	18.8	37.5	100.0	4.8
	White	277	35.0	18.4	46.6	100.0	5.6
	Other	5	80.0	0.0	20.0	100.0	7.0
	Total	394	39.6	15.7	44.7	100.0	5.6
D	Black	33	60.6	6.1	33.3	100.0	3.3
	Hispanic	1	100.0	0.0	0.0	100.0	0.0
	White	120	51.7	10.0	38.3	100.0	3.2
	Other	3	33.3	0.0	66.7	100.0	2.0
	Total	157	53.5	8.9	37.6	100.0	3.1
Unclassified	Black	84	14.3	0.0	85.7	100.0	16.3
	Hispanic	7	14.3	0.0	85.7	100.0	13.2
	White	202	10.9	4.5	84.7	100.0	15.4
	Other	4	0.0	25.0	75.0	100.0	14.0
	Total	297	11.8	3.4	84.8	100.0	15.6
Total		1,010	31.0	10.4	58.6	100.0	10.5

The analysis by offense type and felony class has only been completed for sex, child abuse and violent offense groups because those offense groups include a wide range of offenses from Class D to Class A. An example of sentencing between the races being reversed is for Class A violent offenses where the average prison sentence is 16.4 years for Blacks and 19.2 years for Whites (page 28). Not all differences between the races are explained by the offense group and the felony class. For unclassified sex offenses (forcible rape/forcible sodomy/statutory rape 1st degree/statutory sodomy 1st degree) the average prison sentence for Whites (15.4 years) is less than the average prison sentence for Blacks (16.3 years). For Class C violent offenses Whites are more likely to receive probation than Blacks (50.4% Whites, 58.4% Blacks).

New Sentencing and DOC Commitment in FY09 by Race

Violent Offenses

Felony Class	Race/ Hispanic	Sentences	Percent Disposition			Average Prison Sentence (yrs)	
			Probation	Shock/ Treatment	Prison		
A	Black	472	16.1	4.7	79.2	100.0	16.4
	Hispanic	16	12.5	0.0	87.5	100.0	15.5
	White	213	16.4	7.5	76.1	100.0	19.2
	Other	4	25.0	0.0	75.0	100.0	15.0
	Total	705	16.2	5.4	78.4	100.0	17.2
B	Black	454	33.5	13.4	53.1	100.0	8.7
	Hispanic	15	33.3	13.3	53.3	100.0	10.1
	White	332	37.3	14.8	47.9	100.0	8.9
	Other	2	100.0	0.0	0.0	100.0	0.0
	Total	803	35.2	13.9	50.8	100.0	8.8
C	Black	577	50.4	10.7	38.8	100.0	5.6
	Hispanic	43	30.2	11.6	58.1	100.0	5.4
	White	1,229	58.4	13.0	28.6	100.0	5.0
	Other	17	64.7	11.8	23.5	100.0	5.0
	Total	1,866	55.4	12.3	32.4	100.0	5.2
D	Black	20	40.0	0.0	60.0	100.0	3.6
	Hispanic	-	0.0	0.0	0.0	100.0	0.0
	White	47	57.4	6.4	36.2	100.0	3.6
	Other	-	0.0	0.0	0.0	100.0	0.0
	Total	67	52.2	4.5	43.3	100.0	3.6
Unclassified	Black	-	0.0	0.0	0.0	100.0	0.0
	Hispanic	-	0.0	0.0	0.0	100.0	0.0
	White	-	0.0	0.0	0.0	100.0	0.0
	Other	-	0.0	0.0	0.0	100.0	0.0
	Total	-	0.0	0.0	0.0	100.0	0.0
Total		3,441	42.6	11.1	46.3	100.0	10.3

ii. Prior Criminal History

Blacks have the highest percentage of offenders with prior felony convictions (Levels 2-5). At each level of prior criminal history, however, Blacks have a longer average prison sentence and a higher percentage of offenders with a prison sentence. The differences between Blacks and Whites are greatest for Level II and Level III. For Level II the average prison sentence for Blacks is 1.8 years longer than for Whites and for Level III the difference is 2.5 years.

Prior Criminal History and Racial/Ethnic Origin, FY09 sentencing

Dispositions

Race/ Hispanic	Prior Criminal History Level					Total
	Level I	Level II	Level III	Level IV	Level V	
Black	4,146	1,866	1,535	834	577	8,958
Hispanic	349	64	62	13	9	497
White	9,621	3,294	2,664	1,466	1,017	18,062
Other	101	15	18	10	3	147
Total	14,217	5,239	4,279	2,323	1,606	27,664

Percentages

Race/ Hispanic	Prior Criminal History Level					Total
	Level I	Level II	Level III	Level IV	Level V	
Black	46.3%	20.8%	17.1%	9.3%	6.4%	100.0%
Hispanic	70.2%	12.9%	12.5%	2.6%	1.8%	100.0%
White	53.3%	18.2%	14.7%	8.1%	5.6%	100.0%
Other	68.7%	10.2%	12.2%	6.8%	2.0%	100.0%
Total	51.4%	18.9%	15.5%	8.4%	5.8%	100.0%

Average Prison Sentences (Years), FY09 sentencing

Race/ Hispanic	Prior Criminal History Level					Total
	Level I	Level II	Level III	Level IV	Level V	
Black	9.1	7.4	7.7	7.5	7.1	7.9
Hispanic	6.5	5.8	4.5	5.0	5.5	6.0
White	7.4	5.6	5.2	5.4	5.7	5.9
Other	7.4	3.3	5.9	5.1	-	5.8
Total	8.0	6.2	6.0	6.1	6.1	6.6

Prison sentences as a percent of all dispositions, FY09 sentencing

Race/ Hispanic	Prior Criminal History Level					Total
	Level I	Level II	Level III	Level IV	Level V	
Black	6.7%	5.7%	7.2%	4.4%	3.2%	27.2%
Hispanic	21.1%	5.2%	5.6%	2.0%	0.8%	34.8%
White	5.4%	5.1%	6.7%	4.2%	3.2%	24.5%
Other	9.5%	4.8%	5.4%	4.8%	0.0%	24.5%
Total	6.1%	5.3%	6.8%	4.2%	3.1%	25.6%

Including the severity of the offense into the analysis for Level I offenders increases the disparity in sentencing between Blacks and Whites for Violent offenses (45.7% prison for Blacks compared to 22.8% for Whites) and Drugs (5.0% prison for Blacks compared to 3.3% for Whites). It reduces the disparity for Sex offenses (Blacks 41.5% , Whites 52.8%) and Nonviolent offenses (Blacks 6.7%, Whites 8.2%). DWI sentencing is similar.

**Prison as a Percent of All Sentences and Average Prison Sentence
for Offenders with Level I Prior Criminal History by Offense, FY09**

Offense Group Race/Hispanic	Level I Sentences	Percent Prison Sentences	Average Prison Sentences (years)
<i>Violent</i>			
Black	774	45.7%	11.0
Hispanic	45	60.0%	10.8
White	1,081	22.8%	10.6
Other	19	31.6%	10.0
Total Violent	1,919	33.0%	10.8
<i>Sex</i>			
Black	118	41.5%	11.9
Hispanic	26	53.8%	8.6
White	458	52.8%	10.6
Other	8	37.5%	9.0
Total Sex	610	50.5%	10.7
<i>Non-Violent</i>			
Black	1,871	6.7%	4.2
Hispanic	145	23.4%	3.6
White	4,293	8.2%	4.1
Other	40	10.0%	3.8
Total Non-Violent	6,349	8.1%	4.1
<i>Drug</i>			
Black	1,347	5.0%	6.9
Hispanic	120	22.5%	5.2
White	3,232	3.3%	5.1
Other	26	3.8%	2.0
Total Drug	4,725	4.3%	5.7
<i>DWI</i>			
Black	36	5.6%	3.5
Hispanic	13	23.1%	2.0
White	557	6.5%	2.8
Other	8	0.0%	0.0
Total DWI	614	6.7%	2.8
Total Sentences	14,217	12.0%	8.0

Time Served Disparity by Race

The previous analysis examined variations in sentencing by race but the disparity that results in Blacks having a much higher incarceration rate than other races could also be the result of the release practices of the Missouri Board of Probation and Parole. For offenders sentenced to a prison sentence the Board of Probation and Parole has the discretionary responsibility to determine the release date, subject to statutory restrictions on minimum prison time and the statute that defines conditional release.

In FY09 the Department of Corrections released 5,282 offenders to the first release in their commitment. The average time served was 36.7 months and that comprised 48.5%

of the aggregate sentence. Blacks served significantly more time than Whites (48.9 months compared to 31.4 months) in part because Blacks on average were sentenced to longer sentences (90.8 months compared to 69.0 months). As a percent of sentence Blacks also served longer than Whites (53.8% compared to 45.4%).

**Time Served, First Release in Commitment for Term Sentence
Released in FY09**

Race/Hispanic	Releases	Avg Sentence (mths)	Time Served (mths)	Percent of Sent. Served
Black	1,651	90.8	48.9	53.8
Hispanic	142	62.9	26.3	41.7
White	3,450	69.0	31.4	45.4
Other Races	39	60.8	28.8	47.4
Total	5,282	75.6	36.7	48.5

The analysis by offense group does not reduce the difference in the percent of sentence served between Blacks and Whites for four of the five offense groups. The exception is for Sex and Child Abuse offenses, where the majority of offenders are released on or after the conditional release date.

**Time Served, First Release in Commitment for Term Sentence
Released in FY09
By Offense Group**

Race/Hispanic	Releases	Avg Sentence (mths)	Time Served (mths)	Percent of Sent. Served
<i>Drugs</i>				
Black	475	80.2	28.5	35.5
Hispanic	46	68.3	19.8	29.0
White	770	69.0	19.8	28.7
Other Races	7	58.6	19.8	33.9
Total	1,298	73.0	23.0	31.5
<i>DWI</i>				
Black	21	49.0	21.0	42.9
Hispanic	4	44.0	21.0	47.6
White	251	47.4	17.7	37.4
Other Races	5	60.6	24.4	40.3
Total	281	47.7	18.2	38.1
<i>Nonviolent</i>				
Black	574	57.4	24.4	42.6
Hispanic	49	39.5	10.4	26.2
White	1,509	54.1	18.8	34.8
Other Races	15	49.1	20.5	41.7
Total	2,147	54.6	20.1	36.8
<i>Sex & Child Abuse</i>				
Black	93	126.3	94.1	74.6
Hispanic	15	87.9	66.6	75.7
White	374	95.1	69.3	72.9
Other Races	4	50.0	42.5	85.0
Total	486	100.4	73.8	73.4
<i>Violent</i>				
Black	488	135.6	90.1	66.5
Hispanic	28	84.3	43.8	51.9
White	546	102.3	62.6	61.2
Other Races	8	90.5	48.3	53.4
Total	1,070	116.9	74.5	63.8
All Offenses	5,282	75.6	36.7	48.5

Board release decisions are based upon a parole hearing and a guideline release date that is determined by a salient factor risk assessment. The salient factor risk score includes measures of prior criminal history, institutional adjustment and other factors that have been tested to be correlated with recidivism. The salient factor risk score is race neutral. The final test for disparity in time served by the Board of Probation and Parole is, therefore, to measure the compliance by the Board with the guideline release dates for each of the races.

**Presumptive Release Dates and Guideline Dates
Parole Board Hearings in FY09**

Race/Hispanic	Hearings	Avg Sentence (mths)	Presump. Stay (mths)	Presump. Percent Served	Guideline /MMPT (mths)	Percent Guideline /MMPT	Over Guideline Percent
Black	1,961	81.9	41.7	50.9	38.1	46.5	4.4
Hispanic	135	73.5	34.6	47.1	27.3	37.2	9.9
White	3,830	64.3	27.7	43.0	23.4	36.4	6.6
Other Races	43	60.1	29.3	48.8	21.8	36.4	12.4
Total	5,969	70.3	32.4	46.1	28.3	40.3	5.8

For all offenders with a salient factor based guideline release date and released in FY09 the average guideline time served was 28.3 months and the actual time served was 46.1 months. Reasons for the longer than guideline stay include statutory minimum prison terms. Black offenders served an average of 14.0 months longer than Whites in actual time and an average 14.7 months in guideline time. A measure of Board compliance is percent of release dates that are over the guideline range. Comparing the percentages of Blacks to Whites indicates that the over guideline percent is higher for Whites (6.6%) than for Blacks (4.4%). The longer time served by Blacks can, therefore, be attributed to higher risk factors by Blacks. The risk factors include prior criminal history, institutional adjustment, substance abuse, education, age and vocational skills.

DEATH PENALTY SENTENCING

The study analyzes recent trends in prison admissions for murder, including sentences that require the death penalty, and provides measures that identify racial and geographic disparity in the application of capital punishment.

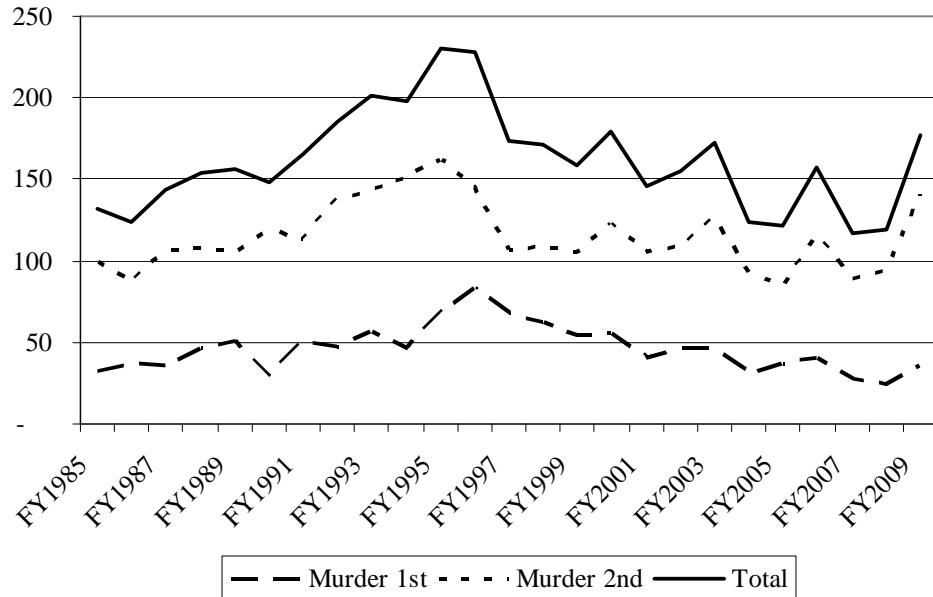
Sentencing for Murder (565 RSMo.)

The death sentence for murder was re-imposed in Missouri in 1977 as capital murder and the authorized sentences were the death penalty or life with no parole for 50 years. In October 1984 Capital Murder was replaced by Murder 1st degree and the authorized sentences were the death penalty or life without parole. Prior to October 1984 Murder 1st degree had an authorized sentence of life with parole eligibility. The death penalty analysis for Murder 1st degree includes sentences of capital murder but excludes sentences of Murder 1st degree for offenses committed prior to October 1984. The sentencing data used in this review uses the first sentencing decision. Following appeals against the death penalty the original decision may be later reversed.

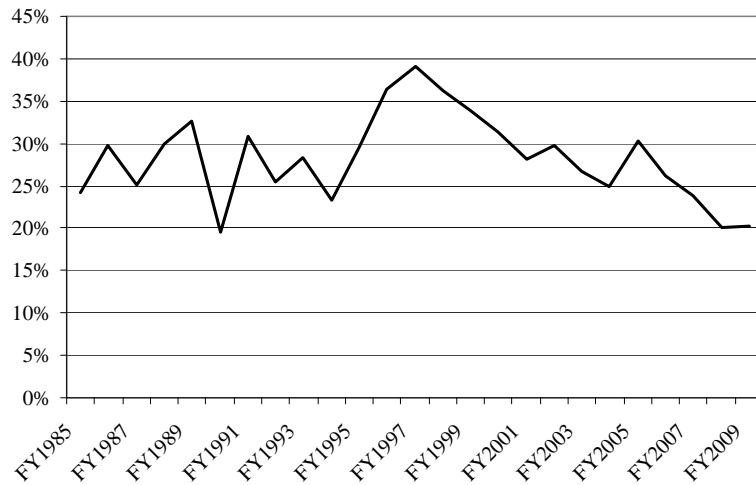
Admissions for Murder

Until FY09 prison admissions for Murder were declining, a trend starting in FY95. The increase in FY09 was sizable and may indicate higher future levels of homicide and other violent crimes. In FY95 there were 230 admissions for Murder and 177 in FY09.

Admissions for Murder 1st and 2nd Degree



Murder 1st Degree as Percent of all Murder Admissions



Murder 1st degree admissions as a percent of all murder conviction has continued to decline since the spike in FY97 when it accounted for 38% of murder admissions. In FY09 the percentage was 20%.

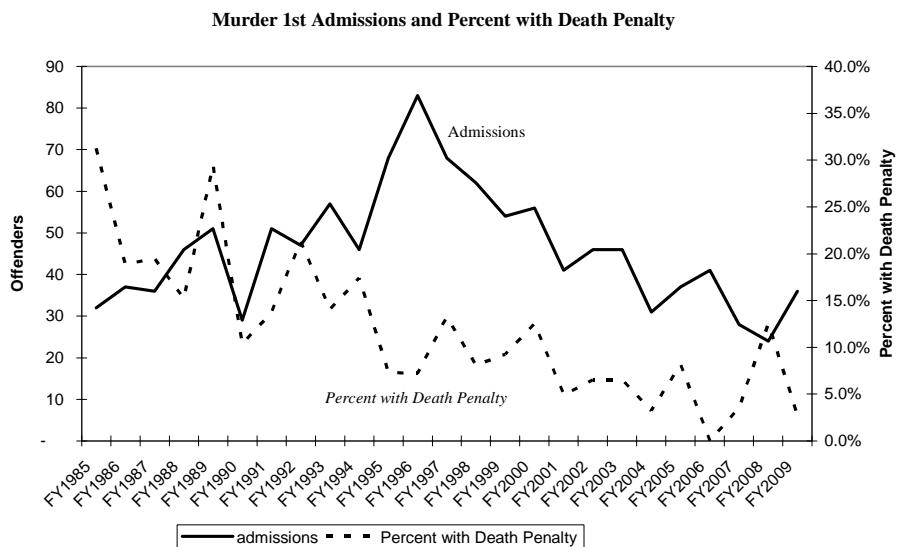
Offenders Received for Murder 1 and Murder 2

	Murder 1st	Murder 2nd	Total	Percent Murder I
FY1985	32	100	132	24%
FY1986	37	87	124	30%
FY1987	36	107	143	25%
FY1988	46	108	154	30%
FY1989	51	105	156	33%
FY1990	29	119	148	20%
FY1991	51	114	165	31%
FY1992	47	138	185	25%
FY1993	57	144	201	28%
FY1994	46	152	198	23%
FY1995	68	162	230	30%
FY1996	83	145	228	36%
FY1997	68	106	174	39%
FY1998	62	109	171	36%
FY1999	54	105	159	34%
FY2000	56	123	179	31%
FY2001	41	105	146	28%
FY2002	46	109	155	30%
FY2003	46	126	172	27%
FY2004	31	93	124	25%
FY2005	37	85	122	30%
FY2006	41	116	157	26%
FY2007	28	89	117	24%
FY2008	24	95	119	20%
FY2009	36	141	177	20%
Total	1,153	2,883	4,036	29%

The application of the death penalty

In January 2006 a decision by a US District Court on the constitutionality of Missouri's method of execution placed a moratorium on executions. The 8th Circuit Courts of Appeals vacated that decision in June 2008. The last execution in Missouri at the time of this review (September 2009) was in May 20, 2009.

Although the percentage of offenders convicted of Murder 1st degree and sentenced to death has fluctuated from year to year, the trend since the middle 1980s has generally been downwards. In FY2006 there were no offenders received by the DOC with the death penalty and in the following three years to June 30, 2009 there have been only been five offenders sentenced to death received by the DOC.



Offenders Received for Murder 1st Degree and Executions (FY85-FY09)

	Life NP	Death Penalty	Total	Percent DP	Executions
FY1985	22	10	32	31.3%	
FY1986	30	7	37	18.9%	
FY1987	29	7	36	19.4%	
FY1988	39	7	46	15.2%	
FY1989	36	15	51	29.4%	1
FY1990	26	3	29	10.3%	3
FY1991	44	7	51	13.7%	1
FY1992	37	10	47	21.3%	1
FY1993	49	8	57	14.0%	2
FY1994	38	8	46	17.4%	3
FY1995	63	5	68	7.4%	2
FY1996	77	6	83	7.2%	6
FY1997	59	9	68	13.2%	5
FY1998	57	5	62	8.1%	8
FY1999	49	5	54	9.3%	8
FY2000	49	7	56	12.5%	3
FY2001	39	2	41	4.9%	7
FY2002	43	3	46	6.5%	7
FY2003	43	3	46	6.5%	3
FY2004	30	1	31	3.2%	2
FY2005	34	3	37	8.1%	3
FY2006	41	-	41	0.0%	2
FY2007	27	1	28	3.6%	-
FY2008	21	3	24	12.5%	-
FY2009	35	1	36	2.8%	1
Total	1,017	136	1,153	11.8%	68

Is there racial disparity in the application of the death penalty?

Commitment rates for murder indicate that Blacks are eleven times more likely to be convicted of murder than Other Races.

Average Annual Murder Commitment Rates per 100,000 population

	FY85-FY97	FY98-FY09	FY09
Black	17.1	13.1	15.8
Other Races	1.6	1.3	1.4
Total	3.5	2.7	3.1

Commitment rate is:

Annual admissions for murder/Missouri population *100,000

Missouri Population: US Bureau of Census 1990, 2000, 2008

The indicators used to measure racial disparity in the application of the death penalty are:

- The percent of offenders convicted of Murder I that receive the death penalty
- The percent of offenders who are convicted of Murder who are sentenced to Murder 1st.

The two measures indicate that Other Races are more likely to be convicted of Murder 1st and to receive the death penalty than Blacks. From FY85 to FY97 11.6% of Blacks convicted of Murder 1st degree received the death sentence compared to 20.4% of Other Races. In the period FY98-FY09 4.4% of Blacks convicted of Murder 1st degree received the death sentence compared to 9.5% of Other Races.

Although the percent of offenders receiving the death sentence has declined the difference between Other Races and Blacks has increased as a ratio from 1.75 to 2.15. Since FY98 Other Races convicted of Murder 1st degree are more than twice as likely to receive the death sentence than Blacks.

Murder 1st as percent of Murder sentences and Death Penalty sentences as a Percent of Murder 1st Degree Sentences By Race

	Blacks					Other Races				
	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
FY85-97	1,307	352	41	26.9%	11.6%	931	299	61	32.1%	20.4%
FY98-09	1,020	271	12	26.6%	4.4%	778	231	22	29.7%	9.5%
FY09	107	23	-	21.5%	0.0%	70	13	1	18.6%	7.7%

Is there a geographical disparity in death penalty cases?

The metro areas have the lowest percent of Murder 1st degree offenders and sentenced to death but St. Louis County is much more similar to the rural counties. First class counties impose the death sentence most often.

Death Penalty Sentencing By Court Circuit- FY85-FY97

	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
St. Louis City	515	117	11	22.7%	9.4%
St. Louis County	300	91	14	30.3%	15.4%
Jackson County	676	211	18	31.2%	8.5%
Metro total	1,491	419	43	28.1%	10.3%
First Class	375	138	41	36.8%	29.7%
Rural	372	94	18	25.3%	19.1%
Total	2,238	651	102	29.1%	15.7%

Since FY98 only one offender has been sentenced to death in St. Louis and none in Jackson County. St. Louis County has the highest percentage sentenced to death (20.3%).

Death Penalty Sentencing By Court Circuit- FY98-FY09

	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
St. Louis City	477	87	1	18.2%	1.1%
St. Louis County	201	59	12	29.4%	20.3%
Jackson County	414	137	-	33.1%	0.0%
Metro total	1,092	283	13	25.9%	4.6%
First Class	369	103	12	27.9%	11.7%
Rural	337	116	9	34.4%	7.8%
Total	1,798	502	34	27.9%	6.8%

Is there a racial disparity by sentencing county in death penalty cases?

During the period FY98-FY09 no geographic area sentenced a higher proportion of Blacks to the death sentence than Other Races. Because of the smaller numbers sentenced the death since FY98 compared to FY85-FY97 there is more randomness in the variation of rates. The metro areas sentenced 3.6% of Blacks to death compared to 8.6% of Other Races. First class counties sentenced equally (12%).

Death Penalty Sentencing By Court Circuit and Race- FY98-FY09

	Blacks					Other Races				
	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st	All Murder	Murder 1st	Death Penalty	Murder 1 as Pct. Of Murder	DP as Pct. Of Murder 1st
St. Louis City	349	57	-	16.3%	0.0%	128	30	1	23.4%	3.3%
St. Louis County	149	42	8	28.2%	19.0%	52	17	4	32.7%	23.5%
Jackson County	370	126	-	34.1%	0.0%	44	11	-	25.0%	0.0%
Metro total	868	225	8	25.9%	3.6%	224	58	5	25.9%	8.6%
First Class	101	26	3	25.7%	11.5%	268	77	9	28.7%	11.7%
Rural	51	20	1	39.2%	5.0%	286	96	8	33.6%	8.3%
Total	1,020	271	12	26.6%	4.4%	778	231	22	29.7%	9.5%

RECIDIVISM AND THE SYSTEM OF RECOMMENDED SENTENCES

The Sentencing Commission is aware that a prison sentence is not always the sentence that has the best chance of success in reducing future recidivism. Prison can reinforce criminal behavior and permanently damage family, social and employment connections. Identifying alternative non-prison sentences that enable community rehabilitation to occur is an important responsibility for the Commission. The following Commission study of recidivism measures how well the Missouri Recommended Sentences reflect the risk of an offender recidivating and explores instances when a non-custodial sentence may be the low risk sentence.

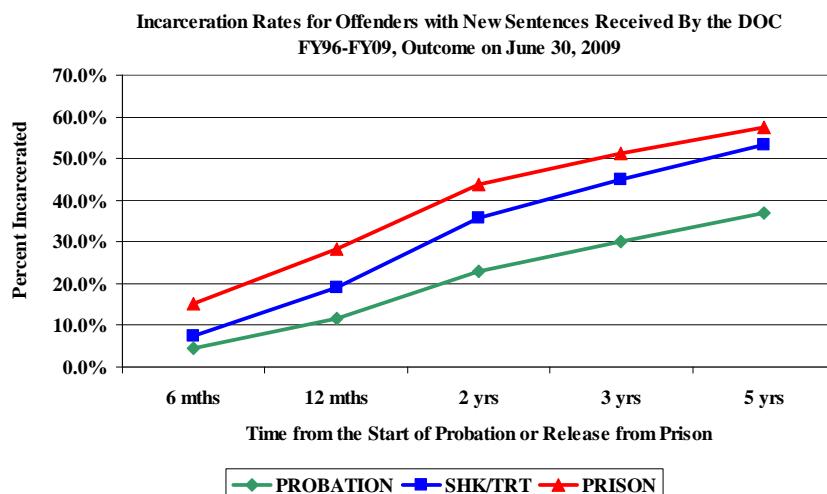
The study uses data from the Department of Corrections of offenders received for a new felony offense between July 1995 and June 2009. Two measures of recidivism are calculated:

- The first incarceration following the start of a new probation or a release from prison. The incarceration may be for a technical violation while on probation or parole or for a new sentence.
- The first new conviction following the start of a new probation or a release from prison. The new conviction may be a prison or probation sentence supervised by the Department of Corrections.

The time period for the study at 15 years is long but there needs to be a sufficient number of offenders who have been incarcerated and released at least five years in order to calculate five year recidivism rates for all offenders, irrespective of sentencing disposition.

Recidivism Rates for Probation compared to Prison

The first analysis compares recidivism of offenders sentenced to probation with recidivism by offenders sentenced and released from prison.



Average Recidivism Rates for Offenders with New Sentences FY96-FY09

Actual Sentence	Sentences	Percent in Prison within					Percent with new conviction within				
		6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
PROBATION	208,848	4.5%	11.6%	23.1%	30.0%	37.0%	2.3%	5.6%	12.0%	17.0%	24.2%
SHK/TRT	37,433	7.4%	19.1%	35.8%	44.9%	53.4%	2.3%	6.5%	15.2%	21.7%	30.9%
PRISON	58,922	15.3%	28.2%	43.7%	51.2%	57.6%	1.3%	5.0%	14.0%	21.8%	34.1%
Total	305,203	6.9%	15.6%	28.4%	35.6%	42.5%	2.1%	5.6%	12.8%	18.4%	26.6%

There is an expectation that sentencing should reflect recidivism risks and offenders with low risks of recidivism can be sentenced to probation while offenders with high risks of recidivism should be sentenced to prison. This is the case in Missouri. Offenders sentenced to probation do have lower rates of recidivism. After five years probationers are two-thirds less likely to be later incarcerated than offenders released from prison and two-thirds less likely to be convicted of a new offense.

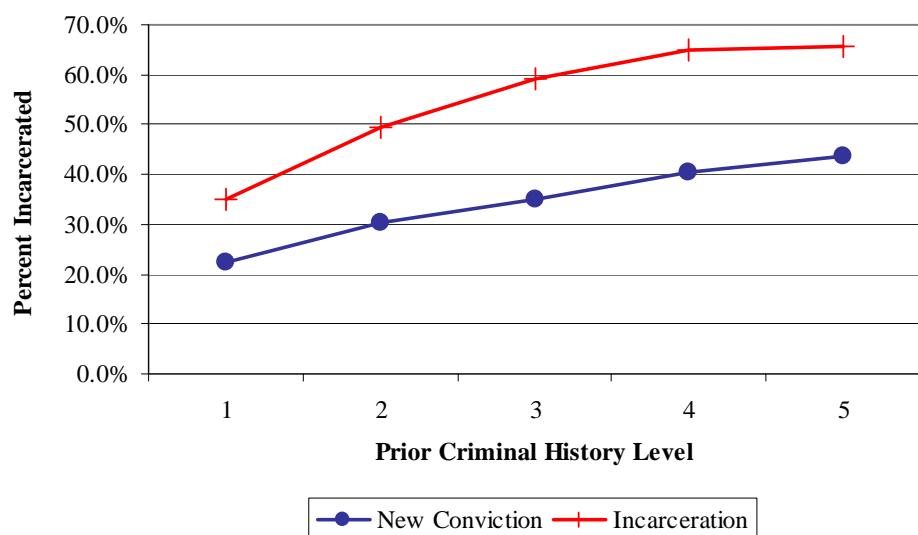
The Impact of Prior Criminal History on Recidivism

Sentencing is, however, the combination of offense severity and prior criminal history and the recommended sentencing model increases the severity of the recommended sentence with increased prior criminal history. Using the risk of re-offending as the benchmark is this a justified assumption?

The recidivism analysis indicates that both the incarceration rate and the new conviction rate increase with increasing prior criminal history. The incarceration rate for Level 5 offenders, however, has almost leveled off at nearly 70%. Incarceration rates are generally higher than new conviction rates because of revocations of probation and parole for technical violations of supervision, including arrests for new offenses but without new charges being filed.

Recidivism Rates after Five Years and Prior Criminal History

Started Probation or Released from Prison from FY96 to FY04



Average Recidivism Rates FY06-FY09 and Prior Criminal History

Prior Criminal History Level	Sentences	Percent in Prison within					Percent with new conviction within				
		6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
1	179,907	4.3%	11.1%	21.8%	28.2%	35.0%	2.1%	5.2%	11.1%	15.7%	22.4%
2	58,756	8.4%	18.2%	32.8%	41.2%	49.4%	2.3%	5.9%	14.1%	20.5%	30.4%
3	41,148	12.3%	25.0%	42.2%	51.1%	59.2%	1.9%	6.2%	15.4%	23.0%	35.1%
4	16,901	14.0%	28.8%	47.5%	57.0%	64.8%	2.0%	6.6%	18.3%	27.2%	40.4%
5	8,491	13.4%	28.2%	46.1%	55.7%	65.6%	2.1%	8.1%	20.8%	30.1%	43.5%
Total	305,203	6.9%	15.6%	28.4%	35.6%	42.5%	2.1%	5.6%	12.8%	18.4%	26.6%

The Impact of Prior Criminal History on Probation or Prison Outcomes

If recidivism increases with prior criminal history but probation sentences generally result in lower recidivism it is useful to calculate at what level of prior criminal history does probation cease to be the low recidivism sentence.

Recidivism Rates After Two Years by Type of Sentence and Prior Criminal History FY96-FY09

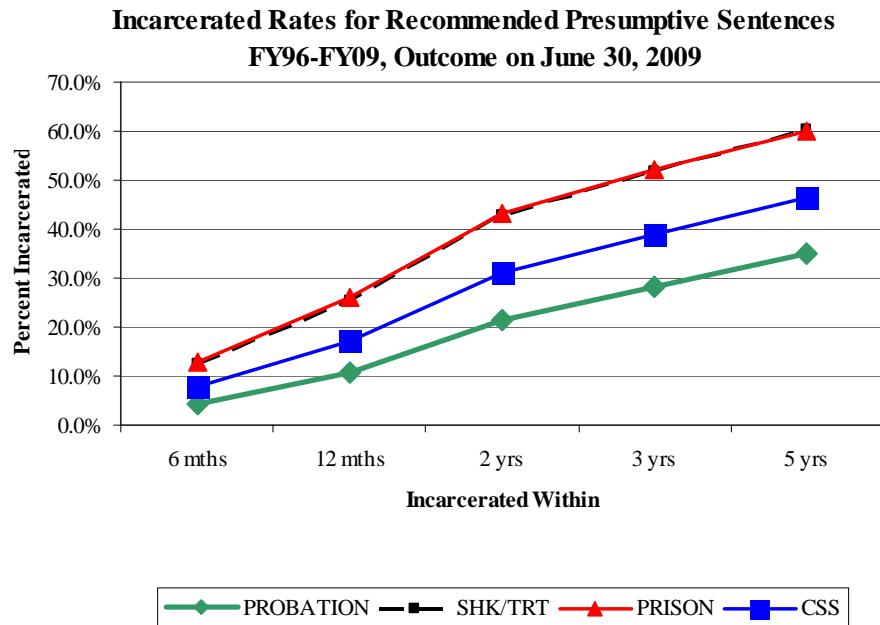
Sentence	Prior Criminal History Level				
	I	2	3	4	5
	No Prior Felonies,no more than 3 misd.	1/2 felonies, no incarceration	1 incarceration or 3 felonies	2 incarcerations or 4 felonies	3+ incarcerations or 5+ felonies
Probation	19.5%	27.3%	37.2%	44.0%	44.2%
Shk/Trt	30.1%	36.6%	41.8%	47.2%	48.7%
Prison	35.9%	43.1%	47.4%	50.4%	46.1%
Average	21.8%	32.8%	42.2%	47.5%	46.1%
<i>Recidivism Gap</i> Prison Rate less Probation Rate	 16.4%	 15.8%	 10.2%	 6.4%	 1.8%

From the analysis of FY96-FY09 new sentencing there is a 16% reduction in recidivism after two years between Level 1 and Level 2 offenders sentenced to probation compared to those sentenced to prison. For Level 5 offenders the gap between probation and prison recidivism is less than 2%. It is important to note that these rates were calculated from actual sentencing and not from a statistically matched comparison sample. There may be factors that influenced the sentencing decision to grant probation to an offender with considerable prior criminal history and it is these factors that predicted the lower recidivism outcomes.

Recidivism and the System of Recommended Sentences

The recommended sentence is either probation, community structured supervised (enhanced probation), shock or treatment followed by a release to probation or prison. If the recommended sentences are intended to reflect the expected risk of an offender re-offending then the recommended sentence should be related to recidivism.

The recidivism rates are lowest when the recommended sentence is probation. The recidivism increases for recommended sentences of Community Structured Supervision (CSS) and are highest for prison and shock and treatment programs.



There is little difference in recidivism rates between Shock/Treatment and prison recommended sentences either for re-incarceration or a new conviction.

**Average Recidivism Rates and Recommended Presumptive Sentences
FY96-FY09**

Recommended Sentence	Sentences	Percent in Prison within					Percent with new conviction within				
		6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
PROBATION	157,529	4.1%	10.8%	21.6%	28.1%	34.9%	2.2%	5.4%	11.5%	16.2%	23.1%
CSS	80,927	7.8%	17.2%	31.0%	38.9%	46.4%	2.1%	5.5%	13.0%	18.9%	27.8%
SHK/TRT	36,788	12.5%	25.3%	42.8%	52.0%	60.3%	2.0%	6.3%	15.8%	23.6%	35.8%
PRISON	29,959	12.9%	26.1%	43.2%	52.1%	59.8%	1.6%	5.9%	16.2%	24.2%	36.2%

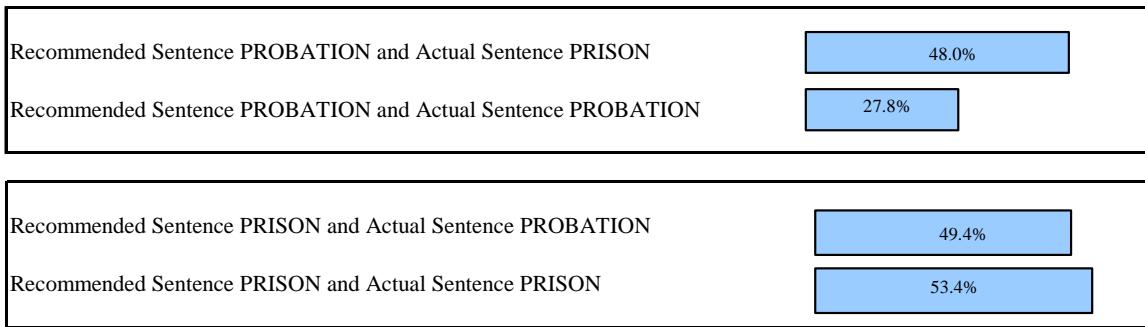
Comparing Outcomes when the Actual Sentence was not the Recommended Sentence

It is interesting to compare the recidivism rates for actual and recommended sentences and identify the differences in recidivism rates when actual sentences were not the recommended sentences.

When the recommended sentence is probation and the actual sentence is also probation, which occurs in 77% of probation recommended sentencing, the recidivism rates are low. When the recommended sentence is Probation and the actual sentence is Prison then the recidivism rates are much higher, whether measured by new incarcerations or new convictions and the rates are similar to the recidivism rates for prison sentences. When the actual sentence is Probation and the recommended sentence is Prison, which occurs in 31% of prison recommended sentencing, the recidivism rates are also high.

- The case where probation was recommended but prison was imposed could be an instance where sending an offender to prison enhances the risk of re-offending and prison was not the best sentence.
- The case where an offender was sentenced to probation when prison was the recommended sentence is an instance where public safety would be better served by greater court compliance.

Incarceration Rates After Three Years - when the Recommended Sentence and the Actual Sentence agree and when the Recommended Sentence and the Actual do not agree



Average Recidivism Rates of the Recommended and Actual Sentences

Recommended Sentence	Actual Sentence	Sentences	Percent in Prison within					Percent with new conviction within				
			6 mths	12 mths	2 yrs	3 yrs	5 yrs	6 mths	12 mths	2 yrs	3 yrs	5 yrs
Probation/CSS	Probation	184,616	3.8%	10.4%	21.1%	27.8%	34.8%	2.3%	5.5%	11.6%	16.3%	23.3%
Probation/CSS	Shk/TRT	25,270	6.6%	17.5%	33.1%	41.7%	50.4%	2.3%	6.2%	14.1%	20.1%	28.8%
Probation/CSS	Prison	28,570	14.2%	26.2%	40.8%	48.0%	53.7%	1.3%	4.7%	12.5%	19.2%	29.9%
Shk/TRT	Probation	14,753	9.2%	20.9%	38.3%	47.8%	56.9%	2.5%	7.1%	15.8%	22.4%	32.6%
Shk/TRT	Shk/TRT	6,322	8.6%	21.7%	41.3%	52.3%	61.6%	2.0%	6.5%	16.5%	24.1%	35.8%
Shk/TRT	Prison	15,713	17.2%	31.0%	47.7%	55.7%	63.3%	1.4%	5.4%	15.6%	24.6%	39.0%
Prison	Probation	9,479	10.9%	22.6%	39.9%	49.4%	57.1%	2.0%	6.1%	15.1%	22.1%	31.6%
Prison	Shk/TRT	5,841	9.3%	23.8%	43.8%	54.0%	62.8%	2.1%	7.8%	19.8%	27.3%	38.1%
Prison	Prison	14,639	15.6%	29.3%	45.2%	53.4%	60.7%	1.2%	5.0%	15.4%	24.4%	39.0%

Recidivism Rates After Two Years, By Offense Group and Prior Criminal History

Started probation or released from prison for new offense FY96-FY09

DRUGS

Prior Criminal Level	Sentence Count	Percent Incarc.	Percent with new sentence
I	56,620	19.4	10.6
II	18,740	29.4	12.8
III	11,802	38.7	13.4
IV	4,419	43.7	15.6
V	1,590	46.4	15.9
Total	93,171	25.4	11.7

DWI

Prior Criminal Level	Sentence Count	Percent Incarc.	Percent with new sentence
I	10,079	18.8	9.3
II	3,799	24.9	12.0
III	3,434	32.0	13.4
IV	1,341	38.6	16.4
V	549	38.1	18.8
Total	19,202	24.3	11.4

NONVIOLENT

Prior Criminal Level	Sentence Count	Percent Incarc.	Percent with new sentence
I	71,875	23.9	12.8
II	23,387	36.9	16.3
III	15,470	47.3	18.1
IV	6,366	52.1	21.0
V	3,519	47.2	23.8
Total	120,617	31.6	14.9

SEX AND CHILD ABUSE

Prior Criminal Level	Sentence Count	Percent Incarc.	Percent with new sentence
I	6,124	19.1	4.2
II	1,010	29.1	6.0
III	715	34.4	9.8
IV	214	43.5	15.4
V	65	41.5	16.9
Total	8,128	22.5	5.3

VIOLENT

Prior Criminal Level	Sentence Count	Percent Incarc.	Percent with new sentence
I	13,620	23.7	8.4
II	3,415	33.4	10.1
III	2,514	43.8	11.9
IV	875	48.9	16.0
V	376	46.3	17.3
Total	20,800	29.2	9.6

Percent Incarcerated After Two Years from Start of Probation or Release from Prison

New Felony Sentences FY96-FY09

By Prior Criminal History (Levels I to III) and Disposition of Sentence

Charge Code	Offense Description	RSMo	Felony Class	Offense Group	Recid Calc.*	Total Count	Pct. Incarc.	Prior Criminal History					
								LEVEL I			LEVEL II		
								Prob.	Shk.	Pris.	Prob.	Shk.	Pris.
10021	MURDER 1ST DEGREE	565.020	A	VIO	GROUP	57	NA	NA	NA	NA	NA	NA	NA
10031	MURDER 2ND DEGREE	565.021	A	VIO	GROUP	142	30.3%	24.8%	NA	31.1%	32.9%	NA	36.4%
10041	VOLUNTARY MANSLAUG	565.023	B	VIO	GROUP	156	25.6%	24.8%	32.2%	31.1%	32.9%	37.5%	36.4%
10051	INVOL MANSLATER-1ST I	565.024	C	VIO	CHRG	486	18.3%	14.8%	15.3%	16.1%	23.7%	34.5%	40.9%
10052	INVOLUNT MANSLGTR-2N	565.024	D	VIO	GROUP	80	20.0%	17.8%	23.4%	31.6%	23.7%	34.5%	40.9%
10053	INVOL MANSL VEH INTO	565.024	C	VIO	GROUP	184	13.6%	17.8%	23.4%	31.6%	23.7%	34.5%	40.9%
11010	RAPE WITH A WEAPON	566.030	A	SEX	GROUP	61	13.1%	25.5%	NA	16.7%	41.3%	NA	36.6%
11015	RAPE	566.030	A	SEX	GROUP	55	12.7%	25.5%	NA	16.7%	41.3%	NA	36.6%
11021	STATUTORY RAPE-1ST DI	566.032	A	SEX	CHRG	312	34.9%	39.0%	NA	19.5%	41.3%	NA	36.6%
11022	STATUTORY RAPE-2ND D	566.034	C	SEX	CHRG	783	28.1%	28.0%	26.0%	16.1%	25.0%	19.4%	33.8%
11025	STAT RAPE-1ST DEG-PERS	566.032	A	SEX	GROUP	91	39.6%	25.5%	NA	16.7%	41.3%	NA	36.6%
11040	SEXUAL ASSAULT	566.040	C	SEX	GROUP	284	27.8%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%
11070	SODOMY - PHYS INJ/WEA	566.060	A	SEX	GROUP	56	19.6%	25.5%	NA	16.7%	41.3%	NA	36.6%
11075	SODOMY	566.060	A	SEX	GROUP	90	12.2%	25.5%	NA	16.7%	41.3%	NA	36.6%
11076	STATUTORY SODOMY-1S	566.062	A	SEX	CHRG	352	19.3%	20.3%	NA	17.7%	41.3%	NA	36.6%
11077	STATUTORY SODOMY-2N	566.064	C	SEX	CHRG	526	19.4%	17.7%	18.7%	16.6%	25.0%	19.4%	33.8%
11097	STAT SODOMY-1ST DEG-I	566.062	A	SEX	GROUP	81	33.3%	25.5%	NA	16.7%	41.3%	NA	36.6%
11100	DEVIATE SEXUAL ASSAU	566.070	C	SEX	GROUP	174	27.0%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%
12010	ROBBERY 1ST DEGREE	569.020	A	VIO	CHRG	941	34.2%	36.9%	27.8%	29.8%	32.9%	37.5%	36.4%
12020	ROBBERY 2ND DEGREE	569.030	B	VIO	CHRG	2,550	41.1%	29.6%	39.2%	39.6%	42.4%	47.0%	44.2%
13011	ASLT 1ST-SER PHY INJUR	565.050	A	VIO	CHRG	298	22.1%	16.0%	25.0%	25.3%	32.9%	37.5%	36.4%
13015	DOMESTIC ASSLT 1ST DE	565.072	B	VIO	GROUP	124	24.2%	24.8%	32.2%	31.1%	32.9%	37.5%	36.4%
13017	DOM ASLT 3RD-3RD/SUBS	565.074	D	VIO	GROUP	119	28.6%	17.8%	23.4%	31.6%	23.7%	34.5%	40.9%
13020	ASSAULT 1ST DEG	565.050	B	VIO	CHRG	739	20.2%	18.3%	17.9%	16.2%	32.9%	37.5%	36.4%
13029	DOMESTIC ASSAULT-2ND	565.073	C	VIO	CHRG	2,459	30.7%	23.5%	32.6%	25.7%	22.0%	40.2%	39.4%
13031	ASSAULT 2ND DEGREE	565.060	C	VIO	CHRG	6,249	28.5%	18.5%	25.1%	37.2%	26.0%	36.3%	43.6%
13033	ASLT 2ND-OP VEH W INTG	565.060	C	VIO	CHRG	943	12.9%	8.2%	10.9%	21.5%	23.7%	34.5%	40.9%
13039	ASLT 3RD-3RD OFNS FAM	565.070	D	VIO	GROUP	58	36.2%	17.8%	23.4%	31.6%	23.7%	34.5%	40.9%
13055	ASSLT-SCHOOL PROPERT	565.075	D	VIO	GROUP	64	15.6%	17.8%	23.4%	31.6%	23.7%	34.5%	40.9%
13071	VIOL EMP DOC TO INMATE	217.385	B	VIO	GROUP	67	44.8%	24.8%	32.2%	31.1%	32.9%	37.5%	36.4%
13100	ASSAULT/ATMPT ON L/E	565.081	A	VIO	GROUP	68	23.5%	24.8%	32.2%	31.1%	32.9%	37.5%	36.4%
13110	ASSAULT LAW OFFICER-I	565.082	B	VIO	CHRG	460	32.0%	16.6%	28.8%	35.7%	32.9%	37.5%	36.4%
14010	BURGLARY 1ST DEG	569.160	B	NVI	CHRG	1,998	39.3%	25.9%	52.1%	38.6%	46.6%	55.2%	39.5%
14020	BURGLARY 2ND DEG	569.170	C	NVI	CHRG	14,536	42.6%	32.9%	51.9%	54.4%	54.2%	56.9%	49.9%
14030	POSSESSION BURGLAR T	569.180	D	NVI	GROUP	241	39.4%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%
15010	STEALING	570.030	C	NVI	CHRG	12,906	27.4%	15.0%	41.9%	44.5%	25.9%	47.8%	48.4%
15012	THEFT-ANHYDROUS AMG	570.030	D	NVI	GROUP	173	37.0%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%
15015	THEFT-ANHY AMM/LIQ N	570.030	C	NVI	GROUP	168	44.6%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%
15017	THEFT/STEALING CONTR	570.030	C	NVI	GROUP	99	25.3%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%
15018	THEFT-\$25000 OR MORE	570.030	B	NVI	GROUP	121	3.3%	23.3%	47.5%	51.6%	35.0%	44.4%	53.7%
15019	THEFT/ATTEMPT THEFT	570.030	B	NVI	GROUP	85	27.1%	23.3%	47.5%	51.6%	35.0%	44.4%	53.7%
15020	STEALING OF A MOTOR V	570.030	C	NVI	CHRG	1,646	40.6%	28.2%	50.0%	56.7%	40.2%	31.5%	64.1%
15021	THEFT-\$500/MORE-LESS \$	570.030	C	NVI	CHRG	6,076	25.2%	15.8%	42.7%	49.1%	28.1%	44.3%	54.9%
15023	THEFT,STEALING OF ANY	570.030	C	NVI	GROUP	85	40.0%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%
15025	THEFT/STEAL CREDIT CA	570.030	C	NVI	CHRG	334	27.8%	15.5%	57.1%	28.5%	28.9%	48.3%	51.8%
15032	STEALING ANIMALS	570.033	D	NVI	GROUP	58	24.1%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%
15034	STEALING 3RD OFFENSE	570.040	C	NVI	GROUP	701	48.2%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%
15035	STEALING RELATED OFF	570.040	C	NVI	GROUP	268	37.7%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%
15036	STEALING RELATED OFFI	570.030	D	NVI	GROUP	137	48.9%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%
15038	PHYSICALLY TAKE PROP	570.030	C	NVI	GROUP	84	33.3%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%
16020	KIDNAP-FACIL FEL/INJUR	565.110	B	VIO	GROUP	108	28.7%	24.8%	32.2%	31.1%	32.9%	37.5%	36.4%
16030	FELONIOUS RESTRAINT	565.120	C	VIO	CHRG	539	31.5%	16.3%	30.0%	41.7%	23.7%	34.5%	40.9%
17010	ARSON 1ST DEGREE	569.040	B	VIO	GROUP	141	24.1%	24.8%	32.2%	31.1%	32.9%	37.5%	36.4%
17020	ARSON 2ND DEGREE	569.050	C	NVI	CHRG	559	31.1%	27.2%	30.0%	39.7%	28.9%	48.3%	48.9%
17030	KNOWINGLY BURN OR EX	569.055	D	NVI	CHRG	351	27.9%	18.5%	21.7%	44.4%	28.9%	48.3%	48.9%
18010	FORGERY	570.090	C	NVI	CHRG	12,849	34.1%	21.7%	48.2%	45.8%	32.2%	45.4%	44.5%
18020	POSS OF FORGING INSTR	570.100	C	NVI	GROUP	76	23.7%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%
19010	PASSING A BAD CHECK	570.120	D	NVI	CHRG	4,804	25.4%	15.7%	28.5%	28.5%	27.1%	49.3%	30.1%
19011	PASSING BAD CHECK-\$50	570.120	D	NVI	CHRG	1,955	26.5%	17.0%	40.9%	40.7%	30.3%	30.7%	35.0%
19013	PASSING BAD CHECK-\$50	570.120	C	NVI	CHRG	476	24.4%	16.6%	100.0%	0.0%	28.9%	48.3%	48.9%
19030	FRAUD USE CRED/DEBIT	570.130	D	NVI	CHRG	1,199	24.5%	12.9%	60.0%	42.5%	25.8%	45.7%	45.2%
19080	DEFRD SEC CRTR \$500 M	570.180	D	NVI	GROUP	81	11.1%	20.8%	45.0%	47.8%	28.9%	48.3%	39.5%

Percent Incarcerated After Two Years from Start of Probation or Release from Prison

New Felony Sentences FY96-FY09

By Prior Criminal History (Levels I to III) and Disposition of Sentence

Charge Code	Offense Description	RSMo	Felony Class	Offense Group	Recid Calc.*	Total Count	Pct. Incarc.	Prior Criminal History								
								LEVEL I			LEVEL II			LEVEL III		
								Prob.	Shk	Pris.	Prob.	Shk	Pris.	Prob.	Shk	Pris.
22011	SEX MISC-1ST-PRIOR CON	566.090	D	SEX	GROUP	56	25.0%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
22022	SEXUAL ABUSE	566.100	C	SEX	GROUP	120	12.5%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
22025	SEX MISCON-CHILD-1ST C	566.083	D	SEX	GROUP	164	21.3%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
22030	SEXUAL ABUSE 1ST DEGR	566.100	D	SEX	GROUP	61	16.4%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
22105	CHILD MOLEST-1ST DEGR	566.067	C	SEX	CHRG	350	22.6%	25.2%	14.2%	19.0%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
22107	CHILD MOLEST-1ST DEGR	566.067	B	SEX	GROUP	181	22.1%	25.5%	19.1%	16.7%	41.3%	26.6%	36.6%	33.3%	0.0%	18.0%
23010	TAMP 1ST W SERV OF UT	569.080	C	NVI	CHRG	773	59.8%	60.0%	58.0%	53.3%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
23012	TAMPERING 1ST DEGREE	569.060	C	NVI	CHRG	493	34.1%	22.1%	0.0%	46.1%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
23013	TAMPER WITH MOTOR VI	569.080	C	NVI	CHRG	642	40.8%	34.1%	47.3%	35.7%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
23014	TAMPER W AIRPLANE/MT	569.080	C	NVI	GROUP	121	47.9%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
23015	TAMP 1ST W MTRVEH-AII	569.080	C	NVI	CHRG	5,551	47.3%	35.1%	55.5%	67.7%	44.4%	62.8%	59.5%	53.1%	56.6%	67.5%
23110	PROP DAMAGE 1ST DEGR	569.100	D	NVI	CHRG	1,596	28.6%	21.9%	33.3%	48.4%	31.4%	50.0%	36.9%	39.5%	51.8%	54.0%
23245	DAMAGE JAIL/PROPERTY	221.353	D	NVI	GROUP	137	52.6%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
24010	RCVNG STLN PROP \$150 M	570.080	C	NVI	CHRG	2,556	36.3%	26.6%	52.3%	44.5%	29.0%	46.8%	43.4%	46.4%	62.7%	51.0%
24015	RECEIVING STOLEN PROB	570.080	C	NVI	CHRG	1,202	31.9%	26.1%	50.0%	36.9%	29.7%	35.8%	47.2%	39.5%	51.8%	54.0%
24100	FAIL TO RTRN PROP O/150	578.150	C	NVI	GROUP	322	23.9%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
24105	FAIL RETURN RENT PROP	578.150	C	NVI	GROUP	148	22.3%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
26031	NONSUP-6MO-12MO-AMT	568.040	D	NVI	CHRG	11,638	19.1%	11.7%	28.2%	30.1%	19.1%	30.7%	37.1%	29.5%	55.1%	46.3%
26045	ENDANGERING WELFARE	568.045	C	SEX	CHRG	656	19.4%	14.7%	25.0%	17.6%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
26051	ENDANGER WELFARE CH	568.045	C	SEX	GROUP	57	21.1%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
26052	ENDANGER WELFARE CH	568.045	D	SEX	CHRG	1,211	22.2%	15.4%	26.7%	28.8%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
26053	ENDANGER WELFARE CH	568.050	D	SEX	GROUP	51	29.4%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
26063	ABUSE OF CHILD	568.060	C	SEX	CHRG	687	16.2%	8.2%	20.6%	23.3%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
26072	CHILD MOLESTATION-1S	566.067	C	SEX	GROUP	124	8.1%	17.4%	20.1%	18.7%	25.0%	19.4%	33.8%	40.6%	29.0%	36.5%
26083	VIO EXP/FULL ORDER OR	455.085	D	NVI	GROUP	311	30.9%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
27020	RESIST/INTERFER FEL AR	575.150	D	NVI	CHRG	994	38.0%	19.7%	41.9%	36.2%	29.7%	43.3%	51.4%	40.0%	64.2%	55.0%
27025	RES ARST/DETN/STOP-RS	575.150	D	NVI	GROUP	125	32.8%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
27035	RESIST ARREST BY FLEE	575.150	D	NVI	GROUP	242	37.2%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
28030	ESC CUST ARR FOR FELO	575.200	D	NVI	GROUP	78	44.9%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
28065	ESCAPE/ATTEMPT ESCAP	575.210	D	NVI	GROUP	142	50.0%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
28080	FAIL RTN CONF-DEPT CO	575.220	D	NVI	GROUP	56	57.1%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
29030	HINDERING PROSECUTION	575.030	D	NVI	GROUP	156	18.6%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
29110	TAMP PHYS EVDN-FLNY	575.100	D	NVI	GROUP	93	25.8%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
29230	TAMP/ATTEMPT-VICTIM-	575.270	C	NVI	GROUP	55	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
29370	FAIL TO APPEAR ON FELC	544.665	D	NVI	GROUP	193	40.4%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
31020	UNLAWFUL USE OF WEAP	571.030	D	NVI	CHRG	6,176	23.9%	16.6%	33.3%	45.4%	21.4%	44.0%	44.3%	37.6%	36.1%	45.2%
31070	UNLWFL POSS CONC FIRE	571.070	C	NVI	GROUP	119	23.5%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
31080	POSS/MFGR/SELL ILL WE	571.020	C	NVI	GROUP	222	25.7%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
31162	POSS/DISCH LOADED FIR	571.030	D	NVI	GROUP	92	18.5%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
32040	DRUG VIO - POSSESSION	195.020	A	DRG	GROUP	62	1.6%	16.3%	23.5%	22.1%	21.2%	30.0%	29.4%	30.4%	35.0%	39.6%
32255	KEEP MAINT PUB NUISAN	195.130	C	DRG	GROUP	86	22.1%	17.8%	34.0%	37.9%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32320	CONTROL SUB/CORRECT	217.360	C	DRG	GROUP	418	32.8%	17.8%	34.0%	37.9%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32322	DEL/POSS CONTR SUBS-C	217.360	C	DRG	GROUP	79	20.3%	17.8%	34.0%	37.9%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32327	CONT SUB CO/PRIV JAIL	221.111	C	DRG	GROUP	275	42.2%	17.8%	34.0%	37.9%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32448	POSS C/S PERSISTENT OFF	195.202	A	DRG	GROUP	167	10.8%	16.3%	23.5%	22.1%	21.2%	30.0%	29.4%	30.4%	35.0%	39.6%
32449	POSSESS C/S PRIOR OFFEN	195.202	B	DRG	GROUP	304	20.1%	16.3%	23.5%	22.1%	21.2%	30.0%	29.4%	30.4%	35.0%	39.6%
32450	POSS CONTROLLED SUBS	195.202	C	DRG	CHRG	50,041	25.7%	17.7%	33.8%	37.8%	25.5%	37.4%	42.3%	34.1%	41.6%	46.5%
32460	FRAUD ATT OBTN CONTR	195.204	D	DRG	CHRG	1,233	23.6%	15.3%	39.1%	75.0%	28.2%	43.1%	45.4%	34.4%	42.2%	46.4%
32463	DEL/MAN C/S PRIR/PERST	195.211	A	DRG	CHRG	371	9.2%	NA	0.0%	NA	NA	29.4%	NA	NA	39.6%	
32465	DIST DEL MANUF CONTR	195.211	B	DRG	CHRG	18,176	24.6%	17.6%	24.4%	23.5%	22.9%	29.2%	29.2%	33.6%	35.5%	41.0%
32470	DIST DEL/U/5 GRAMS MAJ	195.211	C	DRG	CHRG	1,188	25.7%	19.6%	36.1%	34.3%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32475	DIST CONT SUB TO MINO	195.212	B	DRG	GROUP	67	13.4%	16.3%	23.5%	22.1%	21.2%	30.0%	29.4%	30.4%	35.0%	39.6%
32485	DIST CNT SUB NEAR SCH	195.214	A	DRG	CHRG	523	22.6%	15.2%	29.4%	5.5%	21.2%	30.0%	29.4%	30.4%	35.0%	39.6%
32486	DIST CONT SUBS-GOV HO	195.218	A	DRG	GROUP	178	24.7%	16.3%	23.5%	22.1%	21.2%	30.0%	29.4%	30.4%	35.0%	39.6%
32490	TRAFFIC IN DRUGS/ATTEM	195.222	A	DRG	CHRG	377	13.8%	NA	NA	11.5%	NA	NA	29.4%	NA	NA	39.6%
32495	TRAFFIC IN DRUG/ATTEM	195.223	A	DRG	CHRG	1,487	14.3%	NA	NA	20.9%	NA	NA	20.0%	NA	NA	33.3%
32500	TRAFFIC IN DRUG/ATTEM	195.223	B	DRG	CHRG	3,037	25.5%	18.7%	21.8%	19.8%	22.9%	37.7%	37.9%	30.3%	36.7%	41.3%
32506	DRUG PARAPH AMPHET/	195.233	D	DRG	CHRG	548	30.1%	21.0%	27.2%	29.6%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32510	DELIVER DRUG PARAPHE	195.235	D	DRG	CHRG	397	24.2%	16.9%	30.7%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%	
32520	DEL MANUF CONT IMIT D	195.242	D	DRG	CHRG	433	36.0%	24.5%	58.3%	75.0%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32526	POSS EPHEDRINE-MAN M	195.246	D	DRG	CHRG	1,015	32.7%	21.0%	58.8%	43.5%	30.1%	45.9%	39.2%	34.4%	42.2%	46.4%
32540	DELIVER CONTROLLED S	195.254	D	DRG	GROUP	121	9.1%	17.8%	34.0%	37.9%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%
32566	CREATE/ALTER CHEM TO	195.420	C	DRG	CHRG	1,175	32.2%	22.4%	28.5%	33.8%	27.0%	38.4%	44.5%	34.4%	42.2%	46.4%
32610	POSS ANHY AMM-NONAP	578.154	D	DRG	GROUP	114	32.5%	17.8%	34.0%	37.9%	25.6%	38.1%	42.4%	34.4%	42.2%	46.4%

Percent Incarcerated After Two Years from Start of Probation or Release from Prison

New Felony Sentences FY96-FY09

By Prior Criminal History (Levels I to III) and Disposition of Sentence

Charge Code	Offense Description	RSMo	Felony Class	Offense Group	Recid Calc.*	Total Count	Pct. Incarc.	Prior Criminal History								
								LEVEL I			LEVEL II			LEVEL III		
								Prob.	Shk	Pris.	Prob.	Shk	Pris.	Prob.	Shk	Pris.
34015	FALSE BOMB REPORT	575.090	D	NVI	GROUP	56	28.6%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
34220	AGGRAV STALK-1ST OFF	565.225	D	VIO	GROUP	92	18.5%	17.8%	23.4%	31.6%	23.7%	34.5%	40.9%	36.7%	39.6%	49.7%
37005	FAIL FILE SALES TAX RTH	144.480	D	NVI	GROUP	62	6.5%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
46609	OPR VEH W/O LIC-3RD/SU	302.020	D	NVI	GROUP	230	26.5%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
46681	OPR VEH-LIC REV-ABUS/I	302.321	D	NVI	GROUP	142	33.8%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
46682	OPR MV WHILE DRIVERS	302.321	D	NVI	GROUP	214	39.3%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
46683	OPR MV-LIC REV-PTS/TES	302.321	D	NVI	GROUP	297	37.7%	20.8%	45.0%	47.8%	28.9%	48.3%	48.9%	39.5%	51.8%	54.0%
46689	OPR MV LIC REV SUSP PQ	302.321	D	NVI	CHRG	1,108	39.6%	32.9%	46.6%	45.4%	34.3%	40.4%	42.0%	37.5%	36.1%	43.1%
47410	DWI/ALCOHOL	577.010	D	DWI	CHRG	15,875	24.2%	15.5%	22.3%	27.5%	21.5%	23.0%	32.7%	30.2%	29.8%	32.5%
47418	DWI-ALCOHOL -AGGRAV	577.010	C	DWI	GROUP	189	18.5%	NA	NA	27.0%	NA	NA	32.6%	NA	NA	32.9%
47430	DWI/DRUG INTOX	577.010	D	DWI	GROUP	158	25.9%	15.3%	22.1%	27.0%	21.0%	22.8%	32.6%	29.8%	29.9%	32.9%
47450	DWI/COMBINED ALCOHO	577.010	D	DWI	CHRG	405	17.0%	14.6%	0.0%	0.0%	21.0%	22.8%	32.6%	29.8%	29.9%	32.9%
47470	EXCESSIVE BAC-PERSIST	577.012	D	DWI	GROUP	102	14.7%	15.3%	22.1%	27.0%	21.0%	22.8%	32.6%	29.8%	29.9%	32.9%
48865	LEFT SCENE OF ACCIDEN	577.060	D	NVI	CHRG	1,886	26.7%	18.4%	31.0%	43.4%	28.6%	29.4%	37.0%	32.7%	52.1%	49.5%

Notes

* Recidivism calculation: CHRG indicates that the recidivism rates are based upon the number of offenders sentenced for the charge code. GROUP indicates that the incarceration rates were based upon the numbers sentenced for the offense group and felony class group (A/B or C/D) of the offense. The offense group aggregation is used when the number of offenses in a prior criminal history level is less than 200. Because of small study sizes the recidivism rates are not shown for Level IV and Level V.

Care should be exercised in interpreting the statistics, particularly when the numbers in the study are low. Although the study has used a 14 year time frame the numbers of offenders sentenced to prison for serious violent and sex offenses and released at least two years may be very small. For non-violent offenses the study size is sufficient for rates to be calculated for specific offenses.

THE IMPORTANCE OF RISK ASSESSMENT IN SENTENCING - VALIDATING THE SAR RISK SCORE

Summary

The Commission recently completed a recidivism study of the SAR risk score and the results indicated that the risk assessment was a good indicator of the likelihood of a person re-offending.

Because the score significantly impacted the recidivism rate for offenders with the same level of criminal history the recommended sentence now incorporates the risk score as a mitigating or aggravating factor. If an offender scores GOOD on the assessment then the recommended sentence is the mitigating sentence. If an offender scores BELOW AVERAGE or POOR then the recommended sentence is the aggravating sentence.

The impact of the change is expected to be an increase in the number of recommended sentences to prison. Although the number of recommendations for mitigating and aggravating sentences will be similar, most of the mitigating recommendations will replace presumptive sentences that do not recommend prison. On the other hand more aggravating sentences that recommend prison will replace presumptive sentences that do not recommend prison. The impact analysis predicts that 34 offenders will be diverted from prison because of the mitigating sentence and 849 offenders will be recommended prison because of the aggravating sentence.

Recidivism Study to Validate The Risk Score in the Sentencing Assessment Report

One of the features of the Sentencing Assessment Report (SAR) that is most commented upon in discussions with other practitioners is the offender risk assessment. The risk assessment is a scoring of eleven factors that are compiled at the time of the report preparation. The factors were taken from the salient factor score used by the Board of Probation and Parole but modified for use on probationers and using the data that was available for offenders on field supervision.

The SAR risk score is used to indicate the level of the risk of re-offending and to provide an indication of the time an offender who is sentenced to a term commitment will serve before parole. One of the aims of the validation is to compare the predictiveness of the SAR risk score against the prior criminal history level. Prior criminal history has always had a significant role in determining sentencing.

The SAR has been in use since 2005 and there are now sufficient data to calculate recidivism rates for up to three years from the start of supervision. Because the time period for the study is still relatively short the current data is biased towards offenders sentenced to probation and the institutional shock/treatment programs but there are sufficient data for all three sentence dispositions.

SARs to date which are matched to OPII

	Probation	Shk/Trt	Prison	Total
Started Supervision	9,519	1,431	997	11,947
Incarcerated	-	211	1,390	1,601
Total	9,519	1,642	2,387	13,548

The recidivism study is based upon the 11,947 offenders who have either been sentenced to probation or released from prison.

Prior criminal history is related to offender recidivism and it is a component of the SAR risk score but prior criminal history is not as highly correlated with recidivism as the SAR risk score.

The greater the correlation with recidivism the greater is expected range between low risk and high risk.

Recidivism and Prior Criminal History Level from the SARs (FY2006-FY2009)

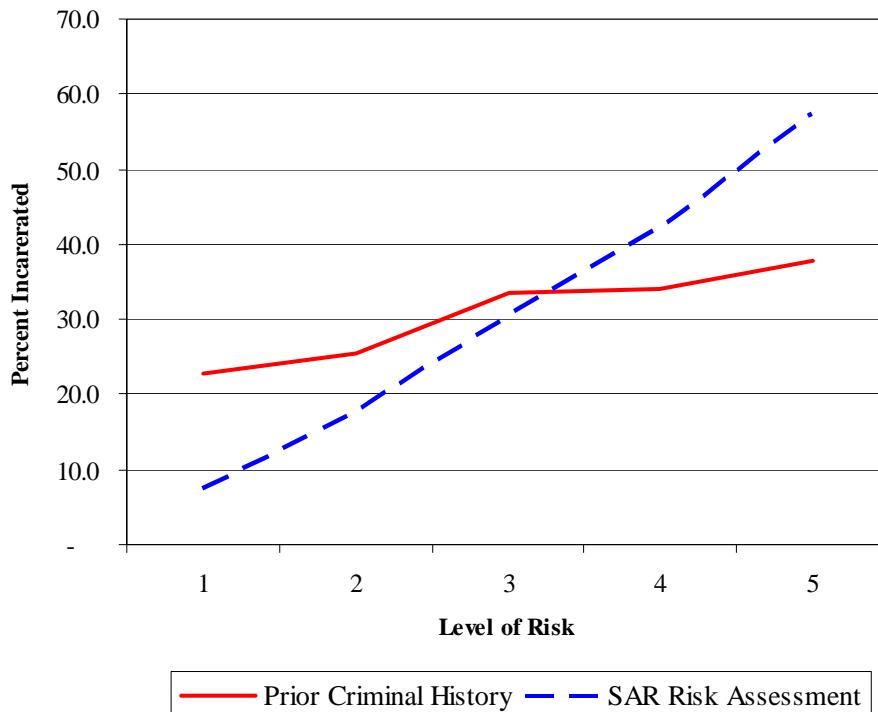
Prior Criminal History Level	Total	Time from Start of Supervision			Percent Incarcerated Within			Percent Convicted Within		
		12 mths	24 mths	36 mths	12 mths	24 mths	36 mths	12 mths	24 mths	36 mths
1. No Felonies	7,364	5,358	3,247	859	11.8	22.7	28.3	2.7	7.5	11.9
2. 1-2 Felonies	2,181	1,697	1,078	373	13.3	25.4	36.7	2.6	6.3	11.8
3. One Incar/3 felonies	1,440	1,033	589	215	16.0	33.5	34.4	2.5	9.9	11.6
4. Two Incar/4 felonies	502	350	168	53	18.3	33.9	37.7	2.3	9.5	7.6
5/ 3 + Incar/5+ felonies	459	305	143	48	24.3	37.8	56.3	5.6	9.8	10.4
TOTAL	11,947	8,744	5,226	1,549	13.3	25.3	32.3	2.7	7.7	11.6

Recidivism and the SAR Risk Score (FY2006-FY2009)

SAR Risk Category	Total	Time from Start of Supervision			Percent Incarcerated Within			Percent Convicted Within		
		12 mths	24 mths	36 mths	12 mths	24 mths	36 mths	12 mths	24 mths	36 mths
1. Good	2,483	1,760	1,063	282	3.2	7.6	12.8	0.6	2.3	3.9
2. Above Average	3,465	2,556	1,525	440	8.5	17.6	24.3	1.6	5.6	9.3
3. Average	3,411	2,545	1,567	473	16.0	30.7	35.9	3.7	9.4	13.7
4. Below Average	1,859	1,379	820	275	22.0	42.1	48.0	4.9	11.6	16.4
5. Poor	729	504	251	79	34.3	57.4	70.9	5.4	18.7	22.8
	11,947	8,744	5,226	1,549	13.3	25.3	32.3	2.7	7.7	11.6

The average incarceration rate after two years from the start of supervision is 25.3% but the range from low risk to high risk using prior criminal history is 15.1% (22.7% to 37.8%). The range for the SAR risk score is 49.8% (7.6% to 57.4%). Graphically it is indicated by a recidivism rate that is nearly a diagonal for the SAR compared to a recidivism rate that is much closer to the horizontal.

Recidivism Rates by Level of Risk, Incarceration after two years



While it is a good test to show that the SAR score is a better predictor of recidivism than prior criminal history it is also necessary to show that within each level of prior criminal history the SAR risk score provides a good distinction between low risk offenders who could be sentenced to the mitigating sentence and the high risk offenders who could be sentenced to the aggravating sentence. The table below compares the recidivism rates for all nonviolent offenders (excluding violent and sex offenses). For PCHL I (no prior felonies) the two year recidivism rate for the low risk group (Good on the SAR score) is 12.1% compared to 61.2% for the high risk (Below Average and Poor on the SAR score). There are similar significant differences for PCHL II and III. Because many level IV and Vs will be sentenced to prison the numbers are small for two years under supervision but the 6 month and 12 month rates indicate that the SAR is a good risk predictor.

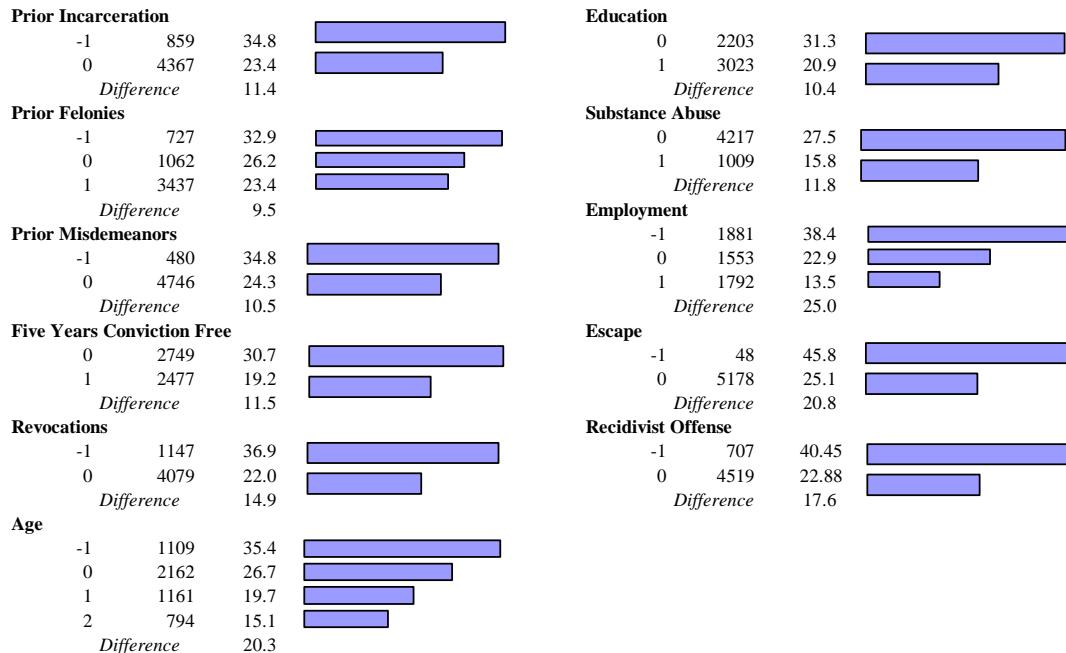
Recidivism Rates for Nonviolent Offenders and Risk Level

PCHL	SAR Risk Score Recommended Sentence	Total	Time from Start of Supervision			Percent Incarcerated Within				Percent Convicted	
			12 mths	24 mths	36 mths	6 mths	12 mths	24 mths	36 mths	24 mths	36 mths
I	Low Risk- Mitigating	2,266	1,594	961	257	3.1	7.4	12.1	0.5	2.3	3.9
	Medium Risk- Presumptive	4,571	3,354	2,028	535	13.4	25.8	32.0	3.1	8.7	13.6
	High Risk - Aggravating	527	410	258	67	32.2	55.8	61.2	8.0	17.4	28.4
II	Low Risk- Mitigating	194	151	93	23	4.6	10.8	21.7	2.0	2.2	4.3
	Medium Risk- Presumptive	1,452	1,128	721	248	10.4	21.1	30.6	2.0	5.1	8.9
	High Risk - Aggravating	535	418	264	102	24.2	42.4	54.9	4.5	11.0	20.6
III	Low Risk- Mitigating	22	15	9	2	-	-	-	-	-	-
	Medium Risk- Presumptive	602	441	258	97	9.8	22.9	18.6	1.1	6.2	8.2
	High Risk - Aggravating	816	577	322	116	21.1	42.9	48.3	3.6	13.0	14.7
IV	Low Risk- Mitigating	1	-	-	-	-	-	-	-	-	-
	Medium Risk- Presumptive	135	104	49	19	8.7	24.5	36.8	1.9	4.1	-
	High Risk - Aggravating	366	246	119	34	22.4	37.8	38.2	2.4	11.8	11.8
V	Medium Risk- Presumptive	116	74	36	14	9.5	11.1	35.7	1.4	5.6	21.4
	High Risk - Aggravating	343	231	107	34	29.0	46.7	64.7	6.9	11.2	5.9

What makes the SAR risk score a Better Predictor of Future Re-offending than Prior Criminal History?

The SAR risk score not only includes additional factors that are related to prior convictions but also social factors that are known to be associated with criminal behavior such as the level of education, employment and substance abuse. The advantage of including social factors in a risk assessment is that by addressing the deficits indicated by these social factors the risk of re-offending can be reduced.

Impact on Recidivism by each of the SAR Factors



Although all of the factors are related to recidivism some factors have a greater impact than others. A ranking of the correlation ratios with recidivism makes employment #1. Also highly ranked are age and three variables associated with criminal behavior: revocations, the type of offense committed and how long since the last conviction.

Rank	Factor	Correlation
1	Employment	-.241**
2	Age	-.153**
3	Revocations	-.142**
4	Recidivist Offense	-.138**
5	Five Years Conviction Free	-.132**
6	Education	-.118**
7	Substance Abuse	-.107**
8	Incarcerations	-.097**
9	Felonies	-.073**
10	Misdemeanors 4+	-.070**
11	Escape	-.046**

** indicates statistically significant at 95% confidence

One problem with including many factors in an assessment is that a number of the factors may be closely associated with each other resulting in an overestimate of the statistical relationship.

	Correlations											
	Misdemeanors 4+	Felonies	Incarcerations	Five Years Conviction Free	Revocations	Recidivist Offense	Age	Substance Abuse	Education	Employment	Escape	
Misdemeanors 4+	1.000	.199**	.161**	.237**	.272**	-.052**	-.145**	.082**	.037**	.035*	.101**	
Felonies	.199**	1.000	.700**	.325**	.478**	-.030*	-.280**	.129**	-.015	.013	.140**	
Incarcerations	.161**	.700**	1.000	.217**	.571**	-.015	-.227**	.119**	-.021	.028*	.152**	
Five Years Conviction Free	.237**	.325**	.217**	1.000	.321**	-.008	-.011	.173**	.046**	.057**	.043**	
Revocations	.272**	.478**	.571**	.321**	1.000	-.039**	-.157**	.133**	.006	.065**	.148**	
Recidivist Offense	-.052**	-.030*	-.015	-.008	-.039**	1.000	.271**	-.022	.134**	.147**	-.003	
Age	-.145**	-.280**	-.227**	-.011	-.157**	.271**	1.000	-.049**	.167**	.157**	-.047**	
Substance Abuse	.082**	.129**	.119**	.173**	.133**	-.022	-.049**	1.000	.045**	.066**	.032*	
Education	.037**	-.015	-.021	.046**	.006	.134**	.167**	.045**	1.000	.212**	.007	
Employment	.035*	.013	.028*	.057**	.065**	.147**	.157**	.066**	.212**	1.000	.048**	
Escape	.101**	.140**	.152**	.043**	.148**	-.003	-.047**	.032*	.007	.048**	1.000	

** indicates statistically significant at 95% confidence

Obvious relationships are between prior felonies and prior incarcerations and there is an even stronger relationship between revocations and prior incarcerations (.571). Age is a factor that is not only strongly associated with the level of criminal behavior but also the type of offense. Recidivism offenses include burglary, robbery and car theft and these offenses are associated with young offenders. Recidivist offenses has the highest bivariate correlation with age (.271). An efficient risk assessment is an assessment which includes factors that have little covariance between themselves. Employment and education are such factors that have relatively low association with the criminal history factors. Substance abuse has a slightly higher relationship because drug use is a criminal activity.

Analyzing the SAR risk factors using stepwise multiple regression selects nine of the factors as significantly contributing to the prediction of future re-offending. The factors that are not included in the model are prior felonies and prior escapes. Although offenders who escape have higher recidivism rates the number of offenders who have

escaped is very small. Prior felonies are not included because the other criminal history variables are more predictive.

Rank	Factor	Cumulative Correlation (r)
<i>Included in Model</i>		
1	Employment	.241
2	Revocations	.273
3	Age	.307
4	Substance Abuse	.317
5	Recidivist Offense	.327
6	Five Years Conviction Free	.334
7	Education	.336
8	Incarcerations	.338
9	Misdemeanors 4+	.339
<i>Not Included in Model</i>		
10	Felonies	
11	Escape	

Incorporating the SAR Risk Assessment into the System of Recommended Sentences

The Commission appreciates the importance of risk assessment in sentencing and has considered how to include the now validated risk assessment into the system of recommended sentences. The Commission has decided to add the risk assessment to the list of mitigating and aggravating circumstances and to state that the recommended sentence is the mitigating sentence if the offender's risk assessment is GOOD and the recommended sentence is the aggravating sentence if the risk score is BELOW AVERAGE or POOR.

Because there is a high positive correlation between the prior criminal history level and the SAR risk score offenders with little prior criminal history are more likely to score GOOD and offenders with considerable prior criminal history are more likely to score BELOW AVERAGE or POOR. The impact of the change is expected to be an increase in the number of recommended sentences to prison. Although the number of recommendations for mitigating and aggravating sentences because of the risk score will be similar, most of the mitigating recommendations replaced presumptive sentences that did not recommend prison. More aggravating sentences recommending prison replace presumptive sentences that did not recommend prison. The impact outlined below suggests that 34 offenders will be diverted from prison because of the mitigating sentence and 849 offenders will be recommended prison because of the aggravating sentence.

Offenders who will be recommended the Mitigating Sentence

Presumptive Sentence	Mitigating Sentence					Net Change
	CSS	Prob.	SHK/TRT	Prison	Total	
Comm. Structured Sentence	5	448	-	-	453	-355
Probation	-	1,924	-	-	1,924	451
SHK/TRT	62	3	-	-	65	-62
Prison	31	-	3	7	41	-34
Total	98	2,375	3	7	2,483	0

Offenders who will be recommended the Aggravating Sentence

Presumptive Sentence	Aggravating Sentence					Net Change
	CSS	Prob.	SHK/TRT	Prison	Total	
Comm. Structured Sentence	-		572	115	687	-310
Probation	377		45	3	425	-425
SHK/TRT	-		-	731	731	-114
Prison	-		-	745	745	849
Total	377		617	1,594	2,588	0

REVIEW OF SENTENCING AND THE MISSOURI RECOMMENDED SENTENCES

The Recommended Sentences are based upon sentencing averages and the compliance analysis calculated from the Sentence Assessment Report (SAR) report an overall compliance in FY09 of 88% with the recommended sentence range. The SAR analysis, however, also reports that the presumptive sentence tends to be less severe than the actual sentence, particularly for violent and sex offenses. The 2009 survey of the recommended sentences and the SAR by the Missouri State University of judges, prosecutors and public defenders reported a general acceptance (85%) of the recommended sentences by judges but a perception that they tend to be lenient.

Summary

The recommended sentences expect the severity of sentences to increase with increased prior criminal history. While the percent of offenders who are sent to prison increases with prior criminal history the length of the prison sentence does not always increase to the same extent.

A study of sentencing from FY01 to FY09 identifies 12 offense/severity groups (out of 60) where the average prison sentence was outside the sentencing range.

Research is presented that shows that increasing the length of the prison sentence for offenders with no prior incarceration does not reduce recidivism.

The Recommended Sentence Model

The following compliance study uses new felony sentences from FY01 to FY09 to examine two issues. The first is an important conceptual question: How well does the recommended sentencing model agree with actual sentencing practice in Missouri? Having discussed the general then the second task is to identify offenses that may need a review of the recommended sentences.

The recommended sentences may be based upon average actual sentences but the recommended sentences also require that the sentence severity increases with prior criminal history. The Missouri model uses two measures of sentencing to determine the recommended sentence. The first is the percent of sentences that commit the offender to prison. The second measure is the average sentence when the disposition is a prison commitment. The Missouri model expects both measures to increase with increased prior criminal history. The Recommended Sentencing Matrix analysis below indicates that while the prison percent of dispositions generally does increase with prior criminal history the average prison sentence often does not. For many offenses the average prison sentence for offenders with no prior criminal is similar to offenders with multiple prior prison sentences.

An example of a violent offense where the percent prison disposition and the average sentence both increase with increasing prior criminal history is Violent, Class A, medium severity (Robbery 1st) and an example where the average sentence does not increase with prior criminal history is Violent, Class B, medium severity (Robbery 2nd).

Similar examples of nonviolent offenses are Nonviolent, Class B, medium severity (Burglary 1st) which does indicate an increase in the average sentence and Nonviolent, Class C, medium severity (Stealing, Forgery, Car Theft and Receiving Stolen Property) which does not indicate much of an increase in the average sentence.

RECOMMENDED SENTENCE MATRIX AND AVERAGE SENTENCES FY01-FY09

VIOLENT OFFENSES

CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	10	10	15	20	25
Presumptive	20	20	20	25	30
Aggravating	25	25	25	30	30
Count	504	215	190	72	47
Percent Prison	98%	100%	99%	99%	100%
Ave. Sentence	23.3	24.4	24.9	25.0	25.5
Medium Severity					
Mitigating	Shk/Trt	Shk/Trt	10	15	20
Presumptive	12	12	15	20	25
Aggravating	16	16	20	25	30
Count	822	309	276	173	115
Percent Prison	66%	81%	87%	98%	91%
Ave. Sentence	12.8	14.0	16.3	16.7	18.4
Low Severity					
Mitigating	Shk/Trt	Shk/Trt	10	12	15
Presumptive	10	10	12	15	17
Aggravating	14	14	15	17	20
Count	337	101	106	57	39
Percent Prison	51%	73%	85%	93%	92%
Ave. Sentence	15.4	14.9	17.5	19.0	16.6

CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	CSS	Shk/Trt	6	8	10
Presumptive	6	7	8	10	12
Aggravating	8	9	10	12	15
Count	238	109	75	32	23
Percent Prison	74%	85%	89%	78%	96%
Ave. Sentence	10.4	10.3	10.0	10.3	12.0
Medium Severity					
Mitigating	Probation	CSS	Shk/Trt	7	9
Presumptive	CSS	Shk/Trt	7	9	11
Aggravating	5	7	9	11	12
Count	1,787	703	613	321	198
Percent Prison	42%	62%	71%	77%	73%
Ave. Sentence	8.3	8.5	8.5	8.4	8.3
Low Severity					
Mitigating	Probation	CSS	Shk/Trt	5	7
Presumptive	CSS	Shk/Trt	5	7	8
Aggravating	5	5	7	8	10
Count	273	111	75	36	26
Percent Prison	21%	47%	52%	67%	73%
Ave. Sentence	7.6	7.0	7.8	7.9	8.5

CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	Shk/Trt	3	5
Presumptive	CSS	Shk/Trt	4	5	7
Aggravating	3	4	5	7	7
Count	734	245	201	86	40
Percent Prison	35%	61%	78%	71%	85%
Ave. Sentence	5.4	5.4	5.4	5.4	4.5
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	4
Presumptive	CSS	CSS	Shk/Trt	4	5
Aggravating	3	3	4	5	7
Count	2,726	794	630	305	165
Percent Prison	19%	44%	60%	64%	65%
Ave. Sentence	5.2	4.9	4.9	4.8	4.9
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	Probation	CSS	Shk/Trt	3	4
Aggravating	3	3	3	4	6
Count	2,455	883	807	369	203
Percent Prison	10%	23%	42%	42%	54%
Ave. Sentence	4.2	4.4	4.3	4.4	4.3

CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	CSS	CSS	Shk/Trt	3	4
Aggravating	2	2	3	4	4
Count	104	24	22	10	4
Percent Prison	23%	79%	73%	100%	75%
Ave. Sentence	3.7	3.5	2.9	2.8	4.0
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	CSS	CSS	Shk/Trt	2	3
Aggravating	2	2	2	3	4
Count	189	70	55	30	16
Percent Prison	13%	31%	49%	50%	56%
Ave. Sentence	3.0	3.0	2.9	3.3	3.3
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	CSS	CSS	Shk/Trt	2	2
Aggravating	2	2	2	2	3
Count	48	5	5	-	-
Percent Prison	4%	0%	20%	0%	0%
Ave. Sentence	2.5	-	4.0	-	-

SEX AND CHILD ABUSE OFFENSES

CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	10	10	15	20	25
Presumptive	12	15	20	25	30
Aggravating	20	23	25	30	30
<i>Count</i>	305	100	87	38	24
<i>Percent Prison</i>	80%	96%	95%	97%	96%
<i>Ave. Sentence</i>	16.9	16.8	19.4	20.2	21.2
Medium Severity					
Mitigating	CSS	CSS	10	15	20
Presumptive	10	12	15	20	25
Aggravating	15	17	20	25	30
<i>Count</i>	668	140	116	51	25
<i>Percent Prison</i>	74%	89%	93%	96%	92%
<i>Ave. Sentence</i>	14.1	13.9	17.4	17.0	16.9
Low Severity					
Mitigating	CSS	CSS	10	12	15
Presumptive	CSS	10	12	15	20
Aggravating	10	12	15	20	25
<i>Count</i>	264	61	37	22	9
<i>Percent Prison</i>	60%	82%	95%	100%	100%
<i>Ave. Sentence</i>	10.7	12.3	13.3	14.8	18.8

CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	CSS	Shk/Trt	7	8	10
Presumptive	6	7	8	10	15
Aggravating	9	10	12	15	15
<i>Count</i>	22	5	5	3	2
<i>Percent Prison</i>	68%	100%	80%	100%	50%
<i>Ave. Sentence</i>	10.7	9.4	8.8	10.0	10.0
Medium Severity					
Mitigating	CSS	Shk/Trt	6	7	8
Presumptive	5	6	7	8	10
Aggravating	8	9	10	10	15
<i>Count</i>	468	87	68	26	8
<i>Percent Prison</i>	58%	82%	81%	73%	63%
<i>Ave. Sentence</i>	8.5	8.6	9.7	8.7	9.6
Low Severity					
Mitigating	Probation	CSS	5	6	7
Presumptive	CSS	Shk/Trt	6	7	8
Aggravating	5	6	8	10	12
<i>Count</i>	23	6	7	2	1
<i>Percent Prison</i>	13%	67%	57%	0%	100%
<i>Ave. Sentence</i>	9.0	9.3	8.0	-	9.0

CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	CSS	Shk/Trt	3	5
Presumptive	CSS	CSS	4	5	6
Aggravating	3	4	5	6	7
<i>Count</i>	51	10	8	-	2
<i>Percent Prison</i>	53%	80%	50%	0%	50%
<i>Ave. Sentence</i>	5.6	5.4	5.8	-	7.0
Medium Severity					
Mitigating	Probation	Probation	Shk/Trt	2	4
Presumptive	CSS	CSS	3	4	5
Aggravating	3	3	4	5	6
<i>Count</i>	1,598	428	305	116	51
<i>Percent Prison</i>	31%	50%	65%	78%	73%
<i>Ave. Sentence</i>	5.3	5.2	5.2	5.1	5.4
Low Severity					
Mitigating	Probation	Probation	Shk/Trt	2	3
Presumptive	CSS	CSS	2	3	4
Aggravating	3	3	3	4	5
<i>Count</i>	824	200	132	54	30
<i>Percent Prison</i>	7.8	26.5	43.2	55.6	60.0
<i>Ave. Sentence</i>	4.3	4.2	4.0	4.5	3.9

CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	4
Presumptive	CSS	CSS	Shk/Trt	4	4
Aggravating	2	2	3	4	4
<i>Count</i>	116	18	30	10	4
<i>Percent Prison</i>	33%	56%	67%	70%	50%
<i>Ave. Sentence</i>	3.7	3.4	3.8	3.6	3.0
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	CSS	CSS	Shk/Trt	2	3
Aggravating	2	2	2	3	4
<i>Count</i>	439	96	102	40	16
<i>Percent Prison</i>	15%	26%	44%	58%	50%
<i>Ave. Sentence</i>	3.5	3.6	3.0	3.0	3.8
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	2
Aggravating	2	2	2	2	3
<i>Count</i>	93	39	105	34	9
<i>Percent Prison</i>	9%	31%	29%	38%	44%
<i>Ave. Sentence</i>	2.8	2.8	2.4	2.5	2.5

NONVIOLENT OFFENSES

CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	CSS	Shk/Trt	10	12
Presumptive	CSS	Shk/Trt	12	14	15
Aggravating	Shk/Trt	12	13	15	20
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>					
Medium Severity	No Available data				
Mitigating	Probation	CSS	Shk/Trt	10	12
Presumptive	CSS	Shk/Trt	12	14	15
Aggravating	Shk/Trt	12	13	15	20
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>					
Low Severity	No Available data				
Mitigating	Probation	CSS	Shk/Trt	10	12
Presumptive	CSS	Shk/Trt	12	14	15
Aggravating	Shk/Trt	12	13	15	20
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>					

CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	8
Presumptive	CSS	CSS	Shk/Trt	8	10
Aggravating	Shk/Trt	6	8	10	12
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>					
Medium Severity	No Available data				
Mitigating	Probation	Probation	CSS	Shk/Trt	8
Presumptive	CSS	CSS	Shk/Trt	8	10
Aggravating	Shk/Trt	5	8	10	12
<i>Count</i>	948	346	293	178	146
<i>Percent Prison</i>	11%	33%	54%	57%	55%
<i>Ave. Sentence</i>	6.9	6.9	7.7	8.5	9.7
Low Severity	No Available data				
Mitigating	Probation	Probation	CSS	Shk/Trt	6
Presumptive	Probation	CSS	Shk/Trt	6	8
Aggravating	CSS	5	6	8	10
<i>Count</i>	238	48	31	21	8
<i>Percent Prison</i>	8%	23%	42%	52%	50%
<i>Ave. Sentence</i>	6.8	6.1	6.7	8.6	7.3

CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	5
Presumptive	Probation	CSS	Shk/Trt	5	6
Aggravating	CSS	Shk/Trt	5	6	7
<i>Count</i>	6,857	2,407	1,807	936	811
<i>Percent Prison</i>	9%	37%	56%	60%	66%
<i>Ave. Sentence</i>	4.3	4.6	4.7	4.7	5.0
Medium Severity	No Available data				
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	Probation	CSS	Shk/Trt	3	4
Aggravating	CSS	Shk/Trt	3	5	6
<i>Count</i>	15,715	6,181	4,160	2,284	1,923
<i>Percent Prison</i>	6%	27%	47%	54%	60%
<i>Ave. Sentence</i>	3.9	4.1	4.2	4.2	4.4
Low Severity	No Available data				
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	CSS	Shk/Trt	2	3	5
<i>Count</i>	2,337	1,012	715	348	368
<i>Percent Prison</i>	4%	21%	42%	50%	54%
<i>Ave. Sentence</i>	3.8	3.9	3.9	3.9	4.0

CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	CSS	3
Presumptive	Probation	CSS	CSS	Shk/Trt	4
Aggravating	CSS	Shk/Trt	Shk/Trt	Shk/Trt	4
<i>Count</i>	1,874	950	924	521	411
<i>Percent Prison</i>	10%	33%	56%	57%	61%
<i>Ave. Sentence</i>	3.1	3.3	3.1	3.1	3.2
Medium Severity	No Available data				
Mitigating	Probation	Probation	CSS	CSS	2
Presumptive	Probation	CSS	CSS	Shk/Trt	2
Aggravating	CSS	Shk/Trt	Shk/Trt	Shk/Trt	3
<i>Count</i>	10,591	4,285	3,141	1,524	925
<i>Percent Prison</i>	4%	15%	28%	32%	39%
<i>Ave. Sentence</i>	3.0	3.1	3.0	2.9	3.0
Low Severity	No Available data				
Mitigating	Probation	Probation	CSS	CSS	2
Presumptive	Probation	Probation	CSS	Shk/Trt	2
Aggravating	CSS	CSS	Shk/Trt	Shk/Trt	3
<i>Count</i>	381	160	174	116	101
<i>Percent Prison</i>	6%	14%	27%	26%	42%
<i>Ave. Sentence</i>	2.5	2.7	2.7	2.9	2.7

DRUG OFFENSES

CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	Shk/Trt	10	13
Presumptive	Probation	CSS	10	13	15
Aggravating	Shk/Trt	10	13	15	20
<i>Count</i>	117	63	41	32	7
<i>Percent Prison</i>	33%	43%	56%	72%	71%
<i>Ave. Sentence</i>	13.2	12.5	13.2	12.5	16.6
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	10
Presumptive	Probation	CSS	Shk/Trt	10	13
Aggravating	Shk/Trt	10	13	18	
<i>Count</i>	698	379	275	112	55
<i>Percent Prison</i>	6%	16%	41%	57%	53%
<i>Ave. Sentence</i>	11.4	11.1	12.6	12.3	13.3
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	10
Presumptive	Probation	CSS	Shk/Trt	10	12
Aggravating	CSS	Shk/Trt	10	12	15
<i>Count</i>	46	18	9	4	2
<i>Percent Prison</i>	-	0.3	0.3	0.5	1.0
<i>Ave. Sentence</i>	-	12.5	10.0	15.5	11.5

CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	10
Presumptive	Probation	CSS	Shk/Trt	10	12
Aggravating	Shk/Trt	10	13	18	
<i>Count</i>	1,037	641	446	210	98
<i>Percent Prison</i>	8%	23%	44%	50%	56%
<i>Ave. Sentence</i>	7.4	7.6	7.9	8.9	8.5
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	8
Presumptive	Probation	CSS	Shk/Trt	8	10
Aggravating	Shk/Trt	8	10	12	
<i>Count</i>	7,062	2,627	1,964	996	492
<i>Percent Prison</i>	7%	23%	42%	47%	49%
<i>Ave. Sentence</i>	7.1	7.2	7.8	8.0	8.4
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	6
Presumptive	Probation	CSS	Shk/Trt	6	7
Aggravating	CSS	Shk/Trt	6	7	10
<i>Count</i>	4	-	3	2	-
<i>Percent Prison</i>	0%	0%	0%	50%	0%
<i>Ave. Sentence</i>	-	-	-	6.0	-

CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	5
Presumptive	Probation	CSS	Shk/Trt	4	6
Aggravating	CSS	Shk/Trt	4	5	7
<i>Count</i>	1,203	441	292	128	76
<i>Percent Prison</i>	6%	31%	44%	52%	59%
<i>Ave. Sentence</i>	4.5	4.3	4.5	4.7	4.8
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	Probation	CSS	Shk/Trt	3	4
Aggravating	CSS	Shk/Trt	3	4	5
<i>Count</i>	22,411	8,622	5,912	2,835	1,528
<i>Percent Prison</i>	3%	17%	37%	44%	53%
<i>Ave. Sentence</i>	4.0	4.2	4.2	4.3	4.2
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	CSS	Shk/Trt	2	3	4
<i>Count</i>	6	2	1	-	-
<i>Percent Prison</i>	-	-	-	-	-
<i>Ave. Sentence</i>	-	-	-	-	-

CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	CSS	Shk/Trt	2	3	4
<i>Count</i>	75	39	35	27	7
<i>Percent Prison</i>	5%	38%	57%	67%	71%
<i>Ave. Sentence</i>	4.0	3.1	3.5	3.3	3.2
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	2
Aggravating	CSS	Shk/Trt	2	2	3
<i>Count</i>	906	383	299	162	89
<i>Percent Prison</i>	6%	28%	50%	56%	61%
<i>Ave. Sentence</i>	3.2	3.3	3.4	3.2	3.2
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	Shk/Trt
Presumptive	Probation	CSS	Shk/Trt	2	2
Aggravating	CSS	Shk/Trt	2	2	3
<i>Count</i>	677	229	82	30	38
<i>Percent Prison</i>	1%	13%	29%	63%	53%
<i>Ave. Sentence</i>	3.3	2.9	3.1	2.8	3.0

DWI OFFENSES

CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		
Medium Severity					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		
Low Severity					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		

CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		
Medium Severity					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10
<i>Count</i>	25	60	157	122	125
<i>Percent Prison</i>	56%	57%	66%	77%	70%
<i>Ave. Sentence</i>	6.8	6.4	6.9	6.6	7.2
Low Severity					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		

CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		
Medium Severity					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7
<i>Count</i>	335	364	365	217	160
<i>Percent Prison</i>	19%	25%	41%	51%	54%
<i>Ave. Sentence</i>	4.5	4.2	4.6	4.6	4.9
Low Severity					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		

CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
High Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		
Medium Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4
<i>Count</i>	4,720	2,137	1,649	862	470
<i>Percent Prison</i>	7%	19%	43%	47%	53%
<i>Ave. Sentence</i>	2.9	3.2	3.3	3.3	3.2
Low Severity					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4
<i>Count</i>					
<i>Percent Prison</i>					
<i>Ave. Sentence</i>			<i>No Available data</i>		

Recommended Sentences with average sentences that are outside the recommended sentence range

There are twelve recommended sentences that have average sentences greater than the average aggravating sentence. Two are Violent, seven Sex and Child abuse and three Drug offenses

**Presumptive and Aggravating Recommended Sentences Compared to Actual Sentences
Sentences FY01-FY09, where the Recommended Presumptive Sentence was a prison sentence**

Offense Group	Felony Class	Severity Level	Presumptive Prison Sentences	Actual Sentence yrs.	Presumptive Sentence yrs.	Aggravating Sentence yrs.	Actual Sentence Greater than Aggravating
Violent	A	High	1,028	24.1	18.1	25.5	
		Medium	1,695	14.6	12.9	17.2	
		Low	278	16.3	12.3	15.4	*
	B	High	477	10.4	7.0	9.1	*
		Medium	1,038	8.4	8.1	10.0	
		Low	122	7.6	6.0	7.7	
	C	High	302	5.4	4.6	5.8	
		Medium	416	5.0	4.3	5.6	
		Low	489	4.3	3.3	4.7	
	D	High	13	3.4	3.2	4.0	
		Medium	40	3.1	2.3	3.3	
		Low	-	3.0	-	-	
Sex & Child Abuse	A	High	554	17.8	15.2	22.3	
		Medium	1,000	14.8	11.5	16.5	
		Low	121	11.9	12.1	15.1	
	B	High	37	10.1	6.9	10.0	*
		Medium	657	8.7	5.4	8.5	*
		Low	10	8.8	6.4	8.8	
	C	High	9	5.6	4.4	5.4	*
		Medium	429	5.3	3.4	4.4	*
		Low	192	4.2	2.5	3.5	*
	D	High	11	3.6	4.0	4.0	
		Medium	43	3.3	2.2	3.2	*
		Low	38	2.5	2.0	2.2	*
Nonviolent	B	Medium	279	7.8	8.8	10.8	
		Low	24	7.0	6.6	8.6	
	C	High	1,497	4.6	5.4	6.4	
		Medium	3,593	4.2	3.4	5.4	
	D	Low	601	3.9	2.5	3.9	
		High	330	3.2	4.0	4.0	
DWI	B	Medium	781	3.0	2.0	3.0	
		Medium	91	2.7	2.0	3.0	
		Low	-	-	-	-	
Drugs	A	Medium	489	6.8	5.9	6.9	
		Medium	686	4.6	3.7	4.9	
		Medium	1,178	3.2	2.3	3.3	
	B	High	71	13.0	11.5	14.2	
		Medium	157	12.1	11.0	14.7	
		Low	6	12.2	10.3	12.5	
	C	High	273	8.0	10.6	12.9	
		Medium	1,318	7.6	8.6	10.6	
		Low	1	6.0	6.0	7.0	
	D	High	184	4.5	4.6	5.6	
		Medium	3,859	4.2	3.3	4.3	
		Low	-	-	-	-	
	D	High	31	3.3	2.2	3.2	*
		Medium	233	3.3	2.0	2.3	*
		Low	52	3.0	2.0	2.5	*
		Total	24,749	6.1	6.3	8.5	

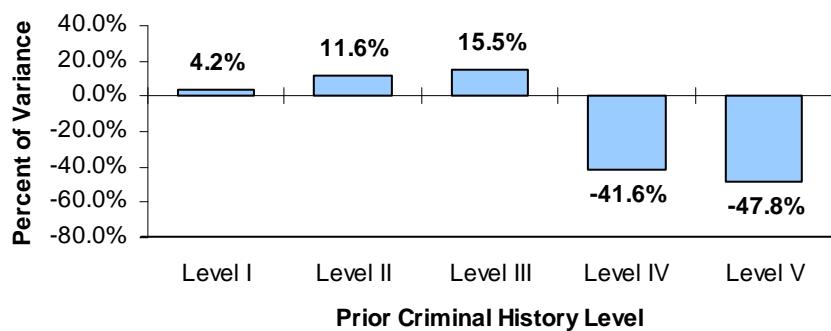
In all cases the recommended aggravating sentence for Level V was greater than the average sentence and generally also for Level IV but the Commission will undertake a review of the recommended sentences in FY10.

Offenses where average sentence outside Recommended Sentence Range

Offense Group	Class	Severity	Charge Code	Description	Sentences	Sentence (yrs.)
Violent	A	Low	13011	ASLT 1ST-SER PHY INJURY	450	16.1
			13100	ASSAULT/ATMPT ON L/E, ET	100	17.0
Violent	B	High	13015	DOMESTIC ASSLT 1ST DEGRE	242	7.4
			17010	ARSON 1ST DEGREE	105	8.4
Sex & Child Abuse	B	High/Med.	22107	CHILD MOLEST-1ST DEGREE	626	8.7
Sex & Child Abuse	C	All	26045	ENDANGERING WELFARE OF A	1,173	4.2
			11022	STATUTORY RAPE-2ND DEGRE	870	5.3
			11077	STATUTORY SODOMY-2ND DEG	579	5.4
			26063	ABUSE OF CHILD	528	4.7
Sex & Child Abuse	D	Med/Low	22025	SEX MISCON-CHILD-1ST OFF	100	3.5
			26052	ENDANGER WELFARE CHILD	399	3.4
Drugs	D	All	32460	FRAUD ATT OBTN CONTR SUB	1,030	3.0
			32506	DRUG PARAPH AMPHET/METH	506	3.4
			32526	POSS EPHEDRINE-MAN METHA	824	3.4

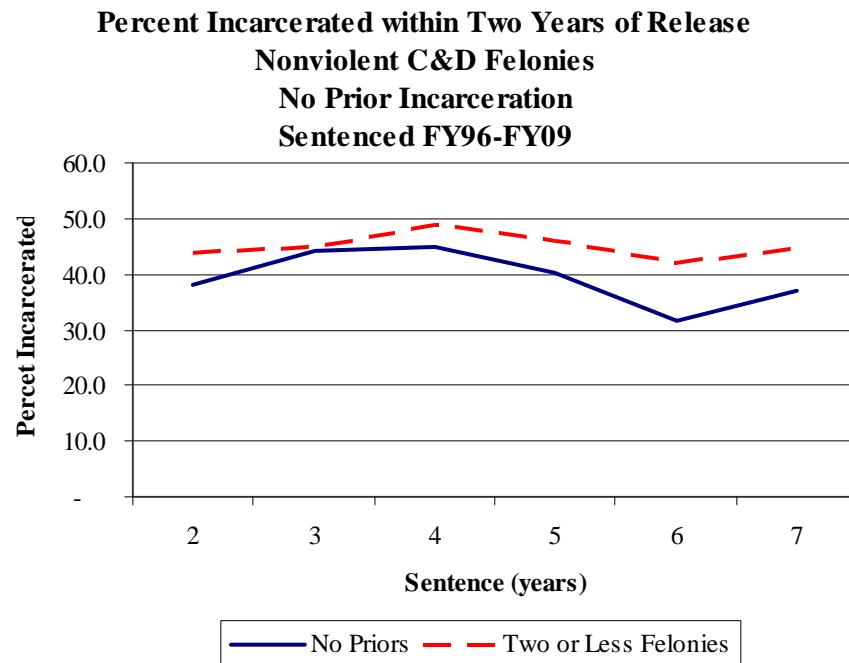
One result of actual sentencing not reflecting prior criminal history is that the recommended sentences are likely to be more severe than actual sentences for offenders in levels IV and V (two or more prior incarcerations).

**The Difference between
Percent of Offenders who receive a Prison Sentence and
Percent of Offenders who are Recommended a Prison Sentence**



Sentence Length and Repeat Offenders

Should sentences become more severe for repeat offenders? The just desserts model would agree but does setting a long sentence for offenders with little prior criminal history deter re-offending? The two year recidivism rates for offenders committed to a prison for a class C or D nonviolent offense and who had no prior prison incarcerations show little difference between those offenders who received long sentences and those who received short sentences.



The length of a prison sentence is generally not considered to be a good indicator of offender risk and is rarely used in risk assessments. In addition a public safety recidivism based model often indicates that prison might not be the low risk sentence for offenders with little prior criminal history.

APPENDIX A

Average Felony Sentence Statistics by Offense from FY2003 to FY2009

The averages are used to determine the offense severity level within each offense group and felony class. Offenses whose averages are within one standard deviation of the group/felony class average are classed as medium severity. Averages that are above one standard deviation are classed as high severity and those offenses below one standard deviation are classed as low severity. New sentences or sentences with few entries are classed as medium severity unless there is a statutory sentence requirement that determines the severity.

The sentencing data is extracted from the DOC OPII database and includes the first sentence for unrelated sentences in Missouri courts. Related sentences are sentences handed down at the same court and on the same day for the same offender. Where there is more than one related sentence, the most serious sentence is selected. Revocations of sentences are not included. Prison sentences include only sentences for a term sentence (commitment). SES probation and 120 day probation sentences are not included in the prison sentence length averages.

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMo	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
10010	Capital murder	565.001	A	VIO	HIGH	2	2	30.0	100%
10021	Murder 1st degree	565.020	A	VIO	HIGH	247	247	30.0	100%
10030	Murder 2nd degree	565.004	A	VIO	HIGH	2	2	30.0	100%
10031	Murder 2nd degree	565.021	A	VIO	HIGH	766	755	22.3	99%
10035	Murder 2nd degree - vehicular - intoxicated	565.021	A	VIO	HIGH	8	8	18.5	100%
10040	Manslaughter-vehicular	565.005	C	VIO	HIGH	1	1	7.0	100%
10041	Voluntary manslaughter	565.023	B	VIO	HIGH	161	145	11.0	90%
10051	Involuntary manslaughter-1st degree	565.024	C	VIO	HIGH	311	199	5.8	64%
10052	Involuntary manslaughter-2nd degree	565.024	D	VIO	HIGH	104	37	3.7	36%
10053	Involuntary manslaughter - vehicular - intoxicated	565.024	C	VIO	HIGH	171	70	5.6	41%
10054	Involuntary manslaughter - vessel	306.111	C	VIO	LOW	1	-	-	0%
10056	Involry mnslghtr-1st deg-operat veh intxictd cond caus death	565.024	B	VIO	HIGH	42	30	10.4	71%
10060	Involry mnslghtr-1st deg-opr mtr veh w/crim neg in viol Sec 3	565.024	B	VIO	MED	1	-	-	0%
10070	Involry mnslghtr-1st deg-opr mtr veh w/crim neg in viol Sec 3	565.005	B	VIO	MED	1	1	7.0	100%
11005	Forc rape - ser phys inj/dsplt ddly weap/instr/subj vic to intrcrs	566.030	A	SEX	HIGH	27	27	19.3	100%
11008	Forcible rape - sexual intercourse by forcible compulsion	566.030	A	SEX	HIGH	86	76	19.3	88%
11010	Forcible rape with a weapon or physical injury	566.030	A	SEX	HIGH	20	19	21.8	95%
11011	Forcible rape with a weapon or physical injury	566.030	A	SEX	HIGH	2	2	22.5	100%
11012	Attempt forcible rape-attempt sexual intercourse by forcible comp	566.030	A	SEX	LOW	12	9	11.8	75%
11015	Forcible rape	566.030	A	SEX	HIGH	51	48	20.8	94%
11016	Atmp forc rape-ser phys inj/dsplt ddly weap/instr/subj vic to in	566.030	A	SEX	HIGH	7	6	16.7	86%
11020	Rape	566.030	B	SEX	HIGH	1	1	10.0	100%
11021	Statutory rape - 1st degree	566.032	A	SEX	MED	152	117	14.6	77%
11022	Statutory rape - 2nd degree	566.034	C	SEX	MED	870	408	5.3	47%
11025	Statutory rape-1st degree-sexual intercourse with a person less	566.032	A	SEX	LOW	377	261	12.0	69%
11030	Sexual assault 1st degree - displays a deadly weapon or seri	566.040	B	SEX	HIGH	1	-	-	0%
11032	Stat rape-1st-sex intr w/per < 14 yr-ser phys inj/dsplt deadly w	566.032	A	SEX	MED	46	39	15.7	85%
11034	Attempted statutory rape - 1st degree - attempt sexual interco	566.032	A	SEX	LOW	1	1	7.0	100%
11040	Sexual assault	566.040	C	SEX	MED	210	102	5.4	49%
11050	Sexual assault 2nd degree - displays a deadly weapon or seri	566.050	C	SEX	HIGH	1	1	7.0	100%
11070	Sodomy - displays a deadly weapon or serious physical injury	566.060	A	SEX	HIGH	10	10	13.7	100%
11071	Forcible sodomy - with a deadly weapon or serious physical in	566.060	A	SEX	HIGH	2	1	20.0	50%
11075	Forcible sodomy	566.060	A	SEX	HIGH	39	33	15.0	85%
11076	Statutory sodomy - 1st degree	566.062	A	SEX	HIGH	255	216	16.4	85%
11077	Statutory sodomy - 2nd degree	566.064	C	SEX	MED	579	285	5.4	49%
11078	Statutory sodomy - 1st degree - serious physical injury or disp	566.062	A	SEX	HIGH	1	1	30.0	100%
11080	Sodomy	566.060	B	SEX	MED	6	6	8.8	100%
11082	Forc sodmy - ser phys inj/dsplt ddly weap/instr/subj vic to intr	566.060	A	SEX	HIGH	13	10	15.7	77%
11084	Forcible sodomy - deviate sexual intercourse by forcible comp	566.060	A	SEX	MED	51	42	19.6	82%
11086	Atmp forc sodmy-ser phys inj/dsplt ddly weap/inst/sbj vic to in	566.060	A	SEX	MED	1	1	12.0	100%
11088	Attempt forcible sodomy-attempt deviate sexual intercourse b	566.060	A	SEX	MED	7	4	15.0	57%
11095	Stat sodomy-1st-dev sex intr w/prs < 14-ser phy inj/dspl deadl	566.062	A	SEX	MED	213	172	15.8	81%
11097	Statutory sodomy-1st-dev degree-deviate sexual intercourse with a p	566.062	A	SEX	MED	492	393	14.1	80%
11098	Atmpt stat sodomy-1st-dev sex w/per<14-ser phys inj/dspl deadl	566.062	A	SEX	MED	2	1	10.0	50%
11099	Atmpt statutory sodomy - 1st degree - attempted deviant sexu	566.062	A	SEX	LOW	3	3	6.3	100%
11100	Deviate sexual assault	566.070	C	SEX	MED	203	94	5.2	46%
11101	Deviate sexual assault	566.060	A	SEX	HIGH	3	2	9.5	67%
11110	Deviate sexual assault 2nd degree - displays a deadly weapon	566.080	C	SEX	MED	1	1	7.0	100%
11111	Deviate sexual assault 2nd degree - displays a deadly weapon	566.060	A	SEX	MED	1	1	30.0	100%
11121	Deviate sexual assault - 2nd degree	566.060	B	SEX	HIGH	1	1	12.0	100%
12010	Robbery - 1st degree	569.020	A	VIO	MED	1,610	1,245	14.5	77%
12020	Robbery - 2nd degree	569.030	B	VIO	MED	2,337	1,279	8.6	55%
12035	Pharmacy robbery - 1st degree	569.025	A	VIO	MED	14	13	15.8	93%
12045	Pharmacy robbery - 2nd degree	569.035	B	VIO	MED	11	7	10.6	64%
13009	Domestic assault - 1st degree - serious physical injury	565.072	A	VIO	LOW	77	49	16.0	64%
13011	Assault 1st degree - serious physical injury	565.050	A	VIO	LOW	450	303	16.1	67%
13015	Domestic assault - 1st degree	565.072	B	VIO	LOW	242	81	7.4	33%
13017	Domestic assault - 3rd degree - 3rd/subsequent ofns	565.074	D	VIO	MED	166	55	3.1	33%
13018	Domestic assault-1st degree-prior domestic violence offender	565.072	B	VIO	MED	5	2	10.5	40%
13020	Assault - 1st degree	565.050	B	VIO	MED	659	334	8.4	51%
13021	Domestic assault-1st degree-persistent domestic violence off	565.072	B	VIO	MED	4	-	-	0%
13024	Domestic assault-2nd degree-prior domestic violence offender	565.073	C	VIO	MED	31	10	4.7	32%
13025	Domestic assault-1st degree-persistent domestic violence off	565.072	A	VIO	LOW	3	1	25.0	33%
13026	Domestic assault-2nd degree-persistent domestic violence off	565.073	C	VIO	MED	11	2	3.0	18%
13027	Domestic assault-1st degree-prior domestic violence offender	565.072	A	VIO	LOW	2	1	10.0	50%
13028	Domestic assault-2nd degree-persistent domestic violence off	565.073	A	VIO	LOW	1	-	-	0%
13029	Domestic assault - 2nd degree	565.073	C	VIO	LOW	3,636	852	4.2	23%
13031	Assault - 2nd degree	565.060	C	VIO	MED	4,349	1,457	5.0	34%
13032	Domestic assault-2nd degree-prior domestic violence offender	565.073	B	VIO	LOW	4	1	5.0	25%
13033	Assault-2nd degree-operate vehicle while intoxicated-resulting	565.060	C	VIO	LOW	1,004	186	4.6	19%

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMo	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
13034	Assault - vessel - 2nd degree	306.111	D	VIO	LOW	1	-	-	0%
13036	Assault-2nd deg-oper mtr veh w/crim neg in viol Sec 304.022	565.060	C	VIO	MED	5	1	6.0	20%
13039	Assault - 3rd degree - with physical injury - 3rd or subsequent	565.070	D	VIO	MED	25	9	3.0	36%
13045	Assault motivated by discrimination - 3rd degree	557.035	D	VIO	LOW	4	-	-	0%
13055	Assault while on school property	565.075	D	VIO	LOW	47	2	2.5	4%
13070	Assault w/intent to commit bus hijacking-possess and conceal	578.305	C	VIO	LOW	1	-	-	0%
13071	Violence to an employee of DOC or to an inmate by an inmate	217.385	B	VIO	MED	185	182	7.3	98%
13075	Offender abuse by an employee of DOC	217.405	C	VIO	MED	2	1	4.0	50%
13100	Assault/attempt assault 1st degree on L/E, C/O, E/P, Hwy Wkr	565.081	A	VIO	LOW	100	68	17.0	68%
13103	Assault/attempt assault on L/E, C/O, E/P, Hwy Wkr, P&P (dead)	565.082	B	VIO	MED	66	30	7.9	45%
13105	Assault/attempt assault emergency personnel or probation an	565.081	A	VIO	MED	2	-	-	0%
13110	Assault on law enforcement officer (reckless/serious physical)	565.082	B	VIO	MED	292	150	7.9	51%
13113	Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy W	565.082	C	VIO	HIGH	167	75	4.6	45%
13115	Assault on law enforcement officer while intoxicated (alcohol/	565.082	B	VIO	MED	20	9	9.0	45%
13127	Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy W	565.082	B	VIO	LOW	53	21	6.9	40%
13133	Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy W	565.082	B	VIO	MED	14	2	9.0	14%
13135	Assault/atmpt assault on emergency personnel(deadly wepn/d	565.082	B	VIO	MED	1	-	-	0%
13137	Assault/attempt assault on emrgncty persnl (by means other th	565.082	C	VIO	HIGH	6	3	5.3	50%
13140	Assault/attempt assault on law enforcement officer (deadly we	565.082	B	VIO	LOW	10	6	9.2	60%
13142	Assault/attempt assault on law enforcement officer (by mean	565.082	C	VIO	LOW	38	14	4.2	37%
13143	Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy W	565.082	C	VIO	MED	147	45	4.6	31%
13144	Assault on emergency personnel (criminal negligence-means	565.082	C	VIO	MED	2	1	5.0	50%
13145	Assault/attempt assault 2 nd degree on L/E, C/O, E/P, Hwy W	565.082	C	VIO	HIGH	77	33	4.5	43%
13146	Assault on law enforcement officer (criminal negligence-mean	565.082	C	VIO	LOW	5	4	4.8	80%
13147	Assault/attempt assault 2nd degree on L/E, C/O, E/P, Hwy W	565.082	C	VIO	MED	47	21	4.4	45%
13148	Assault on emergency personnel (crim negli-create risk of dea	565.082	C	VIO	MED	3	2	5.0	67%
13150	Assault on law enforcement officer (crim neglignc-create risk o	565.082	C	VIO	HIGH	32	16	4.9	50%
13152	Assault on law enforcement officer (purpose/reckless place pe	565.082	C	VIO	LOW	28	10	5.0	36%
13154	Assault on emergency personnel (purpose/reckless place pers	565.082	C	VIO	MED	4	3	6.0	75%
13156	Endanger correction employee/visitr/anothr offndr by atmpt/kno	565.085	D	VIO	HIGH	47	32	3.0	68%
13160	Endanger corrections employee/visitr/another offendr by attempt/	565.085	C	VIO	MED	3	3	3.0	100%
14010	Burglary - 1st degree	569.160	B	NVI	MED	1,799	518	7.9	29%
14020	Burglary - 2nd degree	569.170	C	NVI	HIGH	11,197	2,933	4.7	26%
14030	Possession of burglary tools	569.180	D	NVI	HIGH	241	74	3.6	31%
15010	Stealing - value \$150 or more	570.030	C	NVI	MED	1,937	383	4.3	20%
15012	Theft of anhydrous ammonia	570.030	D	NVI	HIGH	13	4	3.8	31%
15014	Theft of anhydrous ammonia by truck, trailer, rail tank car, sto	570.030	A	NVI	MED	17	1	10.0	6%
15015	Theft/attempt theft of anhydrous ammonia or liquid nitrogen	570.030	C	NVI	MED	154	41	4.1	27%
15016	Theft of ammonium nitrate	570.030	C	NVI	HIGH	24	9	3.9	38%
15017	Theft/stealing any controlled substance as defined by Sec 194	570.030	C	NVI	LOW	198	17	4.6	9%
15018	Theft/stealing (value of property or services is \$25,000 or mor	570.030	B	NVI	LOW	242	36	7.0	15%
15019	Theft/attempt theft of anhydrous ammonia or liquid nitrogen	570.030	B	NVI	LOW	92	18	6.7	20%
15020	Stealing a motor vehicle	570.030	C	NVI	MED	1,510	405	4.2	27%
15021	Theft/stealing (value of property or services is \$500 or more b	570.030	C	NVI	MED	10,446	2,020	4.3	19%
15022	Stealing a watercraft or aircraft	570.030	C	NVI	LOW	17	1	2.0	6%
15023	Theft/stealing of any firearm	570.030	C	NVI	LOW	157	28	4.4	18%
15024	Theft of any historical document (value \$500 or more)	570.030	C	NVI	MED	2	-	-	0%
15025	Theft/stealing of any credit card or letter of credit	570.030	C	NVI	MED	734	148	4.3	20%
15026	Theft/attempt theft of anhydrous ammonia or liquid nitrogen	570.030	C	NVI	MED	11	5	5.2	45%
15027	Theft/stealing of any livestock animal	570.030	C	NVI	LOW	27	5	2.8	19%
15028	Theft/attempt theft of anhydrous ammonia or liquid nitrogen	570.030	B	NVI	MED	44	16	7.6	36%
15029	Theft/stealing of live fish raised for commercial sale with a va	570.030	C	NVI	LOW	5	1	3.0	20%
15031	Livestock/captive wildlife theft in excess of \$3000 in value - p	570.030	B	NVI	MED	3	-	-	0%
15032	Stealing animals	570.033	D	NVI	HIGH	42	9	3.4	21%
15034	Stealing - 3rd ofns	570.040	C	NVI	HIGH	119	51	4.5	43%
15035	Stealing related ofns - 3rd ofns	570.040	C	NVI	HIGH	283	121	4.4	43%
15036	Stealing related ofns - 3rd ofns (stealing, buying, receiving, ro	570.030	D	NVI	HIGH	322	162	3.0	50%
15037	Theft/stealing of any will or unrecorded deed affecting real pr	570.030	C	NVI	MED	1	-	-	0%
15038	Physically take property appropriated from victim	570.030	C	NVI	MED	168	45	4.2	27%
15039	Theft/stealing U.S. flag designed, intended & used for display	570.030	C	NVI	MED	4	-	-	0%
15041	Stealing motor vehicle - 3rd/subsequent stealing-related ofns	570.030	B	NVI	MED	2	-	-	0%
15044	Theft/stealing any orig copy of act, bill, resolution, introduced	570.030	C	NVI	LOW	3	1	4.0	33%
15046	Theft/stealing-pleading, notice, judgmnt, any othr rec/entry of	570.030	C	NVI	LOW	7	-	-	0%
15048	Theft/stealing any book of registration/list of voters required b	570.030	C	NVI	MED	2	-	-	0%
15050	Remove baggage from bus or terminal without owners conser	578.330	D	NVI	LOW	1	-	-	0%
15055	Steal wire/electrcl trnsfrmer or other device/pipe	570.055	C	NVI	MED	3	-	-	0%
15060	Theft of cable TV - over \$150	570.300	C	NVI	LOW	2	1	2.0	50%
15063	Knowng attempt connct to/tmptr w/ interfer w/ signl/equip result	570.300	C	NVI	MED	1	-	-	0%
15065	Theft/attempted theft of cable TV services - \$500 or more	570.300	C	NVI	LOW	16	-	-	0%
15080	Stealing grain	411.770	C	NVI	LOW	16	2	2.0	13%

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMo	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
15090	Library theft - over \$150	570.210	C	NVI	LOW	2	-	-	0%
15095	Library theft - \$500 or more	570.210	C	NVI	MED	2	1	4.0	50%
15103	Library theft/deface/destroy (\$500-\$25,000)	570.210	C	NVI	MED	2	-	-	0%
15110	Misapplication of funds of financial institution - over \$1,000	570.217	C	NVI	LOW	6	1	6.0	17%
15120	Misapplication of funds of financial institution	570.217	D	NVI	LOW	1	-	-	0%
15130	Making false entries in records of financial institution	570.219	D	NVI	LOW	5	-	-	0%
15140	Check kiting	570.220	C	NVI	HIGH	39	8	5.1	21%
15151	Unauthorized record/label/sale-100 or more articles/unauthorized	570.255	D	NVI	MED	4	-	-	0%
16010	Kidnapping	565.110	A	VIO	MED	52	40	16.6	77%
16020	Kidnapping-facilitating a felony or flight thereafter- inflicting injury	565.110	B	VIO	HIGH	238	177	10.4	74%
16025	Child kidnapping	565.115	A	VIO	MED	7	5	28.0	71%
16030	Felonious restraint	565.120	C	VIO	HIGH	541	263	5.3	49%
16040	False imprisonment - removed from state	565.130	D	VIO	HIGH	2	-	-	0%
16060	Interference with custody - removed from state or concealed	565.150	D	VIO	MED	25	6	2.8	24%
16080	Parental kidnapping	565.153	D	VIO	MED	27	4	3.5	15%
16090	Child abduction	565.156	D	VIO	MED	21	2	3.0	10%
17010	Arson 1st degree	569.040	B	VIO	LOW	105	34	8.4	32%
17012	Arson 1st degree - injury or death	569.040	A	VIO	HIGH	2	1	25.0	50%
17020	Arson 2nd degree	569.050	C	NVI	HIGH	366	125	4.9	34%
17022	Arson 2nd degree - injury or death	569.050	B	VIO	LOW	5	-	-	0%
17030	Knowingly burning or exploding	569.055	D	NVI	HIGH	240	52	3.5	22%
18010	Forgery	570.090	C	NVI	MED	9,513	2,353	4.1	25%
18011	Counterfeiting	570.103	C	NVI	LOW	39	5	4.4	13%
18012	Counterfeiting	570.103	D	NVI	LOW	11	-	-	0%
18020	Possession of a forging instrument	570.100	C	NVI	LOW	41	7	4.0	17%
18040	Filing another's medical license as own or forging affidavit of	334.250	C	NVI	LOW	1	1	4.0	100%
19010	Passing bad check - over \$150 - no account/insuff funds	570.120	D	NVI	MED	802	139	3.3	17%
19011	Passing bad check - \$500 or more - no account/insufficient fu	570.120	D	NVI	MED	2,048	302	3.0	15%
19013	Passing bad check - \$500 or more - no account/insufficient fu	570.120	C	NVI	LOW	1,469	231	3.8	16%
19015	Fraudulently stop payment of an instrument over \$150	570.125	D	NVI	LOW	7	1	2.0	14%
19016	Fraudulently stop payment of an instrument/s - value of \$500	570.125	D	NVI	LOW	27	3	4.0	11%
19030	Fraudulent use of credit/debit device (value of \$500 or more)	570.130	D	NVI	HIGH	768	139	3.4	18%
19042	Willfully/knowingly w/ intent to defraud violate the credit user	407.436	D	NVI	MED	4	1	3.0	25%
19045	Deceptive business practice	407.020	D	NVI	HIGH	15	3	3.7	20%
19065	Money laundering or attempted money laundering	574.105	B	NVI	MED	1	-	-	0%
19080	Defrauding secured creditors - \$500 or more	570.180	D	NVI	HIGH	43	4	3.5	9%
19115	Identity theft - 3rd or subsequent ofns	570.223	D	NVI	MED	1	-	-	0%
19131	Violation of provisions regarding worker's compensation - sub	287.128	D	NVI	MED	1	-	-	0%
19150	Unlawfully obtaining public assistance benefits	205.967	D	NVI	LOW	5	-	-	0%
19173	Sale/possession of equipment or parts with altered identificati	301.390	D	NVI	MED	20	6	3.3	30%
19180	Viol of Sec 301.400 re removal of manufacturer's number/mtr	301.400	C	NVI	HIGH	6	1	6.0	17%
19190	Remove or deface manufacturer's number on special mobile	301.401	D	NVI	LOW	3	-	-	0%
19214	Odometer fraud - 2nd degree	407.521	D	NVI	LOW	1	-	-	0%
19245	Falsifying odometer reading	407.536	D	NVI	LOW	1	-	-	0%
19253	Identity theft or attempt (value \$5,001 - \$50,000)	570.223	B	NVI	MED	7	1	7.0	14%
19254	Identity theft (value \$10,000 - \$100,000)	570.223	B	NVI	MED	3	2	5.0	67%
19255	Identity theft or attempt (value \$501 - \$5,000)	570.223	C	NVI	MED	80	19	4.0	24%
19256	Identity theft (value \$501 - \$10,000)	570.223	C	NVI	LOW	14	2	3.0	14%
19258	Identity theft/attempt identity theft - 2nd ofns	570.223	D	NVI	MED	1	-	-	0%
19264	Trafficking in stolen identities	570.224	B	NVI	MED	8	5	5.0	63%
19300	Engage in fraud/misrepresentation in the offer, sale, or purcha	409.550	D	NVI	LOW	8	-	-	0%
19305	Make false/misleading statement or material omission in a rec	409.550	D	NVI	LOW	2	-	-	0%
19320	Offer/sell security that is not a federally covered security, an	409.330	C	NVI	HIGH	1	-	-	0%
19365	Violation of order prohibiting unlawful merchandising practices	407.095	D	NVI	LOW	1	-	-	0%
19368	Unlawful merchandise practice misrep/unfair pract in connection	407.020	D	NVI	MED	34	5	3.4	15%
19400	Issuing fraudulent lien waiver	429.012	C	NVI	MED	1	-	-	0%
19420	Falsifying owner's signature on consent for mechanic's lien, is	429.013	C	NVI	LOW	1	-	-	0%
19430	Lien fraud - over \$500	429.014	C	NVI	LOW	5	-	-	0%
19605	Unlawfully receiving food stamps/ATP card - \$500 or more	578.377	D	NVI	LOW	2	-	-	0%
19655	Doing business as food stamp vendor without license - 2nd of	205.965	D	NVI	LOW	1	-	-	0%
19665	Perjury in application for public assistance - \$500 or more	578.385	D	NVI	MED	4	1	4.0	25%
19772	Filing a false insurance statement	374.216	C	NVI	LOW	1	-	-	0%
19775	Commission of fraudulent insurance act	375.991	D	NVI	LOW	9	-	-	0%
19776	Make a false statement/certificate/entry in insurance investiga	374.210	D	NVI	LOW	7	2	2.5	29%
19778	Using funds of insurance company for private gain	375.390	D	NVI	MED	2	-	-	0%
19779	Commission of fraudulent insurance act - prior offender	375.991	C	NVI	MED	1	-	-	0%
19870	Misappropriation of funds of elderly nursing home residents	198.097	D	NVI	LOW	4	-	-	0%
19875	Misuse of medicaid money in operating a nursing home	198.158	D	NVI	MED	1	-	-	0%
19880	Financial exploitation of an elderly/disabled person (property	570.145	C	NVI	LOW	4	-	-	0%
19881	Financial exploitation of elder/disabled person (property value	570.145	A	NVI	MED	3	1	30.0	33%

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMo	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
19882	Financial exploitation of elder/disabled person (property value \$1000-\$5000)	570.145	B	NVI	MED	3	2	7.0	67%
19883	Financial exploitation of elderly/disabled person (property value \$1000-\$5000)	570.145	B	NVI	MED	23	4	7.8	17%
19884	Financial exploitation of an elder/disabled person (property value \$5000-\$10000)	570.145	C	NVI	MED	12	2	6.0	17%
19886	Financial exploitation of an elder/disabled person (property value \$10000-\$20000)	570.145	D	NVI	MED	6	3	2.7	50%
20010	Gambling professional player	572.020	D	NVI	LOW	1	-	-	0%
20040	Promoting gambling -1st degree	572.030	D	NVI	LOW	6	-	-	0%
20060	Possession of gambling records - 1st degree	572.050	D	NVI	LOW	1	-	-	0%
20110	Altering lottery tickets	313.290	C	NVI	LOW	1	-	-	0%
20260	Violation of laws pertaining to river boat gambling (jurisdictional)	313.830	D	NVI	LOW	15	2	3.0	13%
20280	Violation of laws pertaining to river boat gambling ownership	313.004	D	NVI	MED	1	-	-	0%
21015	Prostitution - persistent offender	567.020	D	NVI	LOW	9	1	5.0	11%
21030	Promoting prostitution - 1st degree	567.050	B	NVI	LOW	2	2	11.0	100%
21040	Promoting prostitution - 2nd degree	567.060	C	NVI	LOW	11	2	4.0	18%
21050	Promoting prostitution - 3rd degree	567.070	D	NVI	HIGH	22	1	4.0	5%
21055	Actor knowingly infected with HIV performed an act of prostitution	567.020	B	NVI	MED	1	1	6.0	100%
22011	Sexual misconduct-1st degree-prev conviction under Chpt 566	566.090	D	SEX	HIGH	34	16	3.7	47%
22021	Sex abuse-ser phys injry/dispaly deadly weapn-dangrous instr	566.100	B	SEX	LOW	16	6	8.0	38%
22022	Sexual abuse	566.100	C	SEX	MED	77	30	5.0	39%
22023	Sexual contact w/student by teachr, student teachr, employee, or supervisor	566.086	D	SEX	MED	2	1	4.0	50%
22025	Sexual misconduct involving a child - 1st degree	566.083	D	SEX	MED	100	30	3.5	30%
22027	Sexual misconduct or attempt involving a child under 15 - 1st degree	566.083	D	SEX	MED	64	14	3.8	22%
22030	Sexual abuse - 1st degree	566.100	D	SEX	HIGH	6	1	4.0	17%
22035	Sexual misconduct involving a child - 2nd/sub ofns	566.083	C	SEX	LOW	13	3	4.0	23%
22037	Sexual misconduct or attempt involving a child under 15 - 2nd degree	566.083	C	SEX	MED	6	3	3.0	50%
22045	Sexual exploitation of a minor child	573.023	A	SEX	HIGH	4	4	15.0	100%
22055	Sexual exploitation of a minor	573.023	B	SEX	LOW	6	3	9.3	50%
22090	Incest	568.020	D	SEX	HIGH	36	17	3.5	47%
22100	Child molestation - 1st degree - displays a deadly weapon or serious emotional injury	566.067	B	SEX	HIGH	16	13	9.5	81%
22102	Child molestation-1st deg-prev conviction under Chpt 566/dsp	566.067	A	SEX	HIGH	17	13	18.6	76%
22103	Child molestatn-1st deg-vic<12 w/prev cnvction undr Ch 566	566.067	A	SEX	MED	1	1	15.0	100%
22105	Child molestation - 1st degree	566.067	C	SEX	HIGH	41	23	5.9	56%
22107	Child molestation - 1st degree	566.067	B	SEX	MED	626	403	8.7	64%
22110	Child molestation-2nd deg-prev conviction under Chpt 566/ds	566.068	D	SEX	HIGH	14	5	3.8	36%
22130	Sexual contact with prisoner or offender by probation/parole or supervised release	566.145	D	SEX	LOW	19	1	2.0	5%
22145	Attempt to entice a child (actor 21 yrs of age or older and child under 12)	566.151	D	SEX	LOW	5	1	1.0	20%
22200	Use of child in sexual performance - serious emotional injury	568.080	B	SEX	MED	2	-	-	0%
22205	Use of child in sexual performance	568.080	C	SEX	LOW	9	3	4.7	33%
22206	Promoting a sexual performance by a child	568.090	C	SEX	HIGH	7	5	4.8	71%
22310	Illegal deviate sexual intercourse w/res of skilled nurs fac/Alzheimers	565.200	D	SEX	MED	1	1	4.0	100%
22330	Fail to register w/ law enforcmnt as req under Sec 589.425(2)	589.425	C	SEX	MED	8	3	3.3	38%
22332	Fail to register w/law enforcmnt req under Sec 589.425(1)-spec	589.425	D	SEX	LOW	46	14	2.6	30%
22333	Fail to submit offender registration form to chief law enforcement officer	589.425	D	SEX	MED	6	3	2.7	50%
22336	Include false info in an offender registration statement as req	589.425	D	SEX	MED	5	3	2.3	60%
22337	Include false info in offender registration statement - 2nd ofns	589.425	D	SEX	MED	2	2	3.0	100%
22338	Fail to timely verify info in registration statement as req under Sec 589.425	589.425	C	SEX	MED	1	1	4.0	100%
22340	Fail to timely verify info in registration statement as req under Sec 589.425	589.425	D	SEX	LOW	7	3	1.7	43%
22341	Fail to timely verify info made in statement for offndr registratn	589.425	D	SEX	MED	5	1	2.0	20%
22342	Failure of offndr to inform chief law enforcement officer of new address	589.425	C	SEX	MED	3	1	6.0	33%
22344	Failure of offndr to inform chief law enforcement officer of new address - 2nd ofns	589.425	D	SEX	LOW	10	1	2.0	10%
22345	Failure of offndr to inform law enforcement of new address - 2nd ofns	589.425	D	SEX	MED	2	1	4.0	50%
22348	Failure of offndr to inform law enfrcmnt of chg in enrollment/employment	589.425	D	SEX	MED	2	-	-	0%
22350	Prior offndr reside w/in 1000 ft of school/child care fac after conviction	566.147	B	SEX	MED	2	1	7.0	50%
22352	Prior offndr reside w/in 1000 ft of school/child care fac after conviction	566.147	D	SEX	LOW	64	18	2.7	28%
22354	Fail to notify sheriff of prior residency w/in 1000 ft of school/child care fac	566.147	D	SEX	MED	10	4	3.3	40%
22361	Fail to register as a sex offender pursuant to Secs 589.400-425	589.425	D	SEX	MED	30	10	2.6	33%
22365	FI to reg as sex offndr/589.400-425-undrlyng ofns unclassfied	589.425	D	SEX	LOW	64	19	2.4	30%
22366	FI to reg as sex offndr/589.400-425-undrlyng ofns unclassfied	589.425	C	SEX	MED	2	-	-	0%
22370	Fail to register as a sex offender pursuant to Secs 589.400-425	589.425	D	SEX	MED	39	16	2.8	41%
22375	FI to reg as sex offndr/589.400-425-undrlyng ofns unclassfied	589.425	C	SEX	MED	7	3	4.3	43%
22380	Fail to register as a sex offender pursuant to Secs 589.400-425	589.425	A	SEX	MED	1	-	-	0%
23010	Tampering with service of utility or institution - 1st degree	569.080	C	NVI	HIGH	438	204	4.3	47%
23012	Tampering-1st degree	569.060	C	NVI	LOW	1	-	-	0%
23013	Tampering with motor vehicle - 1st degree	569.080	C	NVI	LOW	2,267	598	4.0	26%
23014	Tampering with airplane/motorboat - 1st degree	569.080	C	NVI	HIGH	272	113	4.3	42%
23015	Tampering with motor vehicle, airplane, motor boat, etc. - 1st degree	569.080	C	NVI	MED	3,153	822	4.0	26%
23031	Tampering with property of another, motivated by discrimination	557.035	D	NVI	LOW	5	4	3.0	80%
23036	Tampering with property of another - 2nd degee (prior conviction)	569.090	C	NVI	MED	4	1	1.0	25%
23038	Tampering with airplane/motor boat - 2nd degee (prior conviction)	569.090	C	NVI	MED	3	1	4.0	33%
23039	Tampering with motor vehicle - 2nd degree (prior conviction/fraud)	569.090	C	NVI	MED	7	4	4.5	57%
23043	Tampering with computer data to defraud or obtain property -	569.095	D	NVI	LOW	2	-	-	0%

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMO	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
23063	Tampering with computer equipment, computer, system or ne	569.097	C	NVI	LOW	2	-	-	0%
23064	Tampering with computer equipment--value \$150 to \$1,000	569.097	D	NVI	LOW	3	-	-	0%
23095	Tampering with computer user/s to defraud or obtain property	569.099	D	NVI	MED	1	-	-	0%
23106	Property damage motivated by discrimination - 1st degree	557.035	C	NVI	MED	6	-	-	0%
23108	Property damage motivated by discrimination - 2nd degree	557.035	D	NVI	LOW	6	1	4.0	17%
23110	Property damage 1st degree	569.100	D	NVI	MED	1,250	201	3.0	16%
23220	Institutional vandalism-\$2,000 to \$10,000	574.085	D	NVI	HIGH	1	1	3.0	100%
23225	Institutional vandalism - over \$5000	574.085	C	NVI	LOW	8	-	-	0%
23230	Institutional vandalism - \$1000 - \$5000	574.085	D	NVI	LOW	5	-	-	0%
23241	Damage to a DOC building or property by an inmate	217.385	C	NVI	MED	12	10	4.1	83%
23245	Damage to jail/jail property	221.353	D	NVI	HIGH	169	68	3.2	40%
23274	Violate Sec 578.416 regarding crop loss - \$501-\$1,000	578.418	D	NVI	LOW	1	-	-	0%
24010	Receiving stolen property-over \$150	570.080	C	NVI	MED	338	91	4.0	27%
24015	Receiving stolen property - \$500 or more/dealer in specific go	570.080	C	NVI	MED	2,014	498	4.1	25%
24027	Receiving stolen property - \$500 or more/dealer in specific go	570.080	D	NVI	MED	1	-	-	0%
24030	Altering or removing item number to deprive lawful owner	570.085	D	NVI	HIGH	3	-	-	0%
24035	Altering or removing item number to deprive lawful owner - va	570.085	D	NVI	HIGH	7	1	4.0	14%
24100	Failure to return leased or rented property--value over \$150	578.150	C	NVI	LOW	54	7	4.3	13%
24105	Failure to return leased or rented property - value of \$500 or r	578.150	C	NVI	LOW	212	30	3.2	14%
25010	Promoting obscenity-1st degree	573.020	D	SEX	LOW	2	-	-	0%
25027	Possession of child pornography-2nd ofns	573.037	C	SEX	LOW	3	1	5.0	33%
25029	Possession of child pornography	573.037	D	SEX	HIGH	88	38	3.7	43%
25032	Furnishing pornographic material or attempt to furnish to mind	573.040	D	SEX	MED	3	2	3.5	67%
25050	Promoting child pornography 1st degree	573.025	B	SEX	MED	19	8	8.8	42%
25063	Promoting child pornography - 2nd degree	573.035	C	SEX	LOW	3	2	3.5	67%
25065	Promote child pornography to a minor - 1st degree	573.025	A	SEX	MED	1	1	12.0	100%
25080	Possession of child pornography - 2nd ofns or possess >20 pi	573.037	B	SEX	MED	1	1	10.0	100%
25085	Possession of child pornography	573.037	C	SEX	MED	2	-	-	0%
25130	Making obscene or indecent commercial telephone messages	573.100	D	NVI	MED	1	-	-	0%
26020	Abandonment of child	568.030	D	SEX	LOW	2	-	-	0%
26021	Abandonment of child - 1st degree	568.030	B	SEX	LOW	3	-	-	0%
26022	Abandonment of child - 2nd degree	568.032	D	SEX	MED	1	1	2.0	100%
26030	Non-support leave state	568.040	D	NVI	LOW	5	-	-	0%
26031	Nonsupport in each of six individual months within any twelve	568.040	D	NVI	MED	8,930	838	2.9	9%
26045	Endangering welfare of child - 1st degree	568.045	C	SEX	LOW	1,173	203	4.2	17%
26048	Endangering welfare of child in ritual/ceremony-1st degree or	568.045	B	SEX	LOW	6	1	12.0	17%
26051	Endangering welfare of child in ritual/ceremony - 1st degree o	568.045	C	SEX	LOW	39	10	4.4	26%
26052	Endangering welfare of child, 1st degree	568.045	D	SEX	MED	399	74	3.4	19%
26053	Endangering welfare of child in ritual/ceremony, 2nd degree	568.050	D	SEX	LOW	61	10	2.8	16%
26054	Abuse of child - resulting in death	568.060	A	SEX	HIGH	17	15	21.8	88%
26055	Abuse of child-serious emotional injury	568.060	B	SEX	HIGH	17	12	10.7	71%
26058	Endangring welfare of a child-2nd degree (intoxication/BAC)-v	568.050	D	SEX	MED	10	1	4.0	10%
26063	Abuse of child	568.060	C	SEX	MED	528	98	4.7	19%
26071	Child molestation - 1st degree - displays a deadly weapon or s	566.067	B	SEX	HIGH	1	1	10.0	100%
26072	Child molestation-1st degree	566.067	C	SEX	HIGH	1	1	7.0	100%
26083	Violation of order of protection for adult - 2nd ofns	455.085	D	NVI	HIGH	195	61	3.0	31%
26091	Use of child in sexual performance--serious emotional injury	568.080	B	SEX	LOW	3	1	8.0	33%
26160	Unlawfully surrender custdy/transfr custdy of minor child w/ou	453.110	D	NVI	LOW	1	-	-	0%
26165	Elder abuse - 1st degree	565.180	A	VIO	LOW	2	1	15.0	50%
26170	Elder abuse - 2nd degree	565.182	B	VIO	LOW	13	4	5.8	31%
27020	Resisting/interfering with arrest for a felony	575.150	D	NVI	HIGH	1,162	479	3.1	41%
27025	Resisting arrest/detention/stop by fleeing - creating a substan	575.150	D	NVI	HIGH	486	159	3.1	33%
27035	Resist arrest by fleeing-creating substantial risk of serious inju	575.150	D	NVI	HIGH	266	92	2.9	35%
27085	Resist/aid in resisting a force ordered by the governor to exec	041.720	D	NVI	MED	1	1	4.0	100%
28010	Escape from commitment	575.195	D	NVI	LOW	2	-	-	0%
28015	Escape from commitment, detention, conditional release from	575.195	D	NVI	MED	3	-	-	0%
28020	Escape or attempted escape from custody with deadly weapo	575.200	A	VIO	HIGH	1	1	4.0	100%
28030	Escape or attempted escape from custody while under arrest	575.200	D	NVI	HIGH	57	31	3.1	54%
28051	Escape or attempted escape from the DOC	575.210	B	NVI	MED	17	15	7.4	88%
28055	Escape or attempted escape from confinement by striking per	575.210	C	VIO	MED	1	1	5.0	100%
28065	Escape or attempted escape from confinement	575.210	D	NVI	HIGH	56	43	3.1	77%
28080	Failure to return to confinement to DOC	575.220	D	NVI	MED	56	41	2.4	73%
28100	Aiding escape of prisoner by using deadly weapon or dangero	575.230	B	VIO	LOW	1	-	-	0%
28115	Aiding escape of prisoner confined for felony	575.230	B	NVI	LOW	6	1	5.0	17%
28130	Permitting escape by allowing use of deadly weapon	575.240	B	VIO	MED	1	-	-	0%
29010	Concealing a felony	575.020	D	NVI	LOW	3	-	-	0%
29030	Hindering prosecution of felony	575.030	D	NVI	MED	108	18	3.1	17%
29060	Perjury in criminal trial to secure non-murder felony conviction	575.040	B	NVI	LOW	4	-	-	0%
29070	Perjury in a procedure involving felony charge	575.040	C	NVI	MED	12	4	5.0	33%
29075	Perjury in a procedure not involving felony	575.040	D	NVI	LOW	8	2	3.5	25%

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMo	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
29110	Tampering with physical evidence in felony prosecution	575.100	D	NVI	HIGH	98	26	3.5	27%
29217	Tampering with judicial officer	565.084	C	NVI	HIGH	21	11	3.5	52%
29220	Tampering with judicial proceeding	575.260	C	NVI	MED	8	1	3.0	13%
29230	Tampering with victim/witness or attempt tampering w/victim	575.270	C	NVI	MED	64	15	4.5	23%
29320	Bribery of a public servant	576.010	D	NVI	HIGH	5	-	-	0%
29330	Acceding to corruption by a public servant	576.020	D	NVI	LOW	5	1	2.0	20%
29370	Failure to appear - felony	544.665	D	NVI	HIGH	106	57	2.8	54%
29409	Tampering with electronic monitoring equipment	575.205	C	NVI	MED	11	5	4.4	45%
31015	Unlawful use of weapon motivated by discrimination	557.035	C	NVI	LOW	26	3	4.0	12%
31016	Leaving the scene of a shooting - prior offender	577.068	D	NVI	MED	2	-	-	0%
31020	Unlawful use of a weapon (subsec 1 - 4)	571.030	D	NVI	MED	3,912	533	3.1	14%
31040	Unlawful transfer of weapon to felon, fugitive, addict or incom	571.060	D	NVI	HIGH	26	2	5.0	8%
31065	Unlawful possession of a firearm	571.070	C	NVI	MED	33	18	4.1	55%
31070	Unlawful possession of a concealable firearm	571.070	C	NVI	HIGH	52	17	4.1	33%
31075	Knowingly poss explosive, incendiary or poisonous substnc/m	571.020	C	NVI	LOW	14	1	3.0	7%
31080	Unlawful possession, transport, manufacture, repair or sale of	571.020	C	NVI	LOW	141	22	4.3	16%
31127	Carry loaded firearm/weapon into any school, onto school bus	571.030	D	NVI	LOW	21	-	-	0%
31147	Discharge/shoot firearm at or from mtr veh/shoot at person, m	571.030	B	VIO	MED	3	1	12.0	33%
31149	Discharge/shoot firearm at or from mtr veh/shoot at person, m	571.030	B	VIO	MED	2	-	-	0%
31150	Discharging firearm, hurling missile at, into, or upon bus	578.310	A	VIO	MED	1	-	-	0%
31151	Dschrng/shoot firearm at or from mtr veh, shoot at person, ant	571.030	A	VIO	MED	8	3	15.0	38%
31152	Discharge/shoot firearm at or from mtr veh/shoot at person, m	571.030	B	VIO	LOW	57	17	9.1	30%
31154	Aiding/abetting a person dischrg/shooting firearm at or from m	571.030	B	VIO	HIGH	3	2	7.5	67%
31160	Threatening to place bomb or explosive at or near bus or term	578.310	C	NVI	LOW	1	-	-	0%
31162	Possess/discharge loaded firearm/projectile weapon while into	571.030	D	NVI	MED	228	19	3.0	8%
31170	Possession of weapon, explosive or hazardous material on bu	578.320	C	NVI	LOW	1	1	3.0	100%
31180	Delivery or possession of weapon at a correctional facility	217.360	B	VIO	HIGH	14	14	7.6	100%
31182	Deliver/attemp to deliver/poss/deposit/conceal gun/knife/wea	217.360	B	VIO	LOW	31	26	6.7	84%
31195	Delivery or possession of weapon at county/private jail	221.111	B	VIO	MED	15	9	9.2	60%
31200	Possessing or use of metal penetrating bullet during the comm	571.150	B	VIO	MED	2	-	-	0%
32250	Drug violation - maintaining a common nuisance	195.130	D	DRG	MED	1	-	-	0%
32255	Keeping or maintaining a public nuisance	195.130	C	DRG	HIGH	149	23	4.5	15%
32320	Delivery or possession of controlled substance at a correction	217.360	C	DRG	MED	174	99	3.1	57%
32322	Deliver/atmp to del/poss/deposit/conceal contrld substnce/co	217.360	C	DRG	MED	301	182	3.7	60%
32327	Delivery or possession of a controlled substance at a county/p	221.111	C	DRG	MED	232	73	3.9	31%
32448	Possession of controlled substance except 35 grams or less o	195.202	A	DRG	MED	51	15	12.1	29%
32449	Possession of controlled substance except 35 grams or less o	195.202	B	DRG	MED	176	32	8.5	18%
32450	Possession of controlled substance except 35 grams or less o	195.202	C	DRG	MED	40,581	6,068	4.3	15%
32460	Fraudulently attempting to obtain controlled substance	195.204	D	DRG	LOW	1,030	98	3.0	10%
32461	Mnf/prod/atmp to mnf/prod > 5 grms marij or any cntrl sub in	195.211	A	DRG	LOW	68	13	12.2	19%
32463	Dist/del/manf/prod or attempt to or poss w/intent to dist/del/ma	195.211	A	DRG	MED	165	32	11.7	19%
32465	Dist/del/manf/produce or attempt to or possess w/intent to dis	195.211	B	DRG	MED	12,895	2,558	7.6	20%
32470	Distributing or delivering not more than 5 grams marijuana	195.211	C	DRG	HIGH	840	113	4.6	13%
32475	Distributing controlled substance to a minor	195.212	B	DRG	MED	64	6	9.0	9%
32480	Purchasing or transporting controlled substance with a minor	195.213	B	DRG	LOW	9	1	6.0	11%
32482	Unlawful endangerment of property - physical injury	195.219	B	DRG	MED	1	-	-	0%
32483	Unlawful endangerment of property	195.219	C	DRG	LOW	2	-	-	0%
32485	Distributing controlled substance near schools	195.214	A	DRG	MED	216	46	13.0	21%
32486	Distribution of a controlled substance near public housing or	195.218	A	DRG	MED	93	21	12.4	23%
32487	Provide reagents, solvents or precursor materials to another v	195.226	D	DRG	MED	48	12	3.4	25%
32488	Trafficking in drugs/attemp to traffic in drugs - 1st degree/ove	195.222	A	DRG	MED	5	1	10.0	20%
32490	Trafficking in drugs/attemp to traffic in drugs - 1st degree	195.222	A	DRG	HIGH	254	116	12.9	46%
32492	Trafficking in drugs/attemp to traffic in drugs - 1st degree - ne	195.222	A	DRG	LOW	11	-	-	0%
32495	Trafficking in drugs/attemp to traffic in drugs - 2nd degree	195.223	A	DRG	MED	971	192	12.0	20%
32497	Trafficking in drugs/attemp to traffic in drugs - 1st degree-wit	195.222	A	DRG	HIGH	6	1	30.0	17%
32498	Trafficking in drugs/attemp to traffic in drugs - 2nd degree/ ≥	195.223	A	DRG	MED	18	3	11.7	17%
32500	Trafficking in drugs/attemp to traffic in drugs - 2nd degree	195.223	B	DRG	HIGH	2,432	588	8.0	24%
32506	Unlawful use of drug paraphernalia - amphetamine/methamp	195.233	D	DRG	MED	506	130	3.4	26%
32510	Deliver (sell), possess w/int to del (sell), manufacture w/int to	195.235	D	DRG	MED	245	63	3.0	26%
32520	Delivery or manufacture of imitation controlled substance	195.242	D	DRG	MED	205	47	3.0	23%
32526	Poss any methamphetamine precursor drug w/intent to manu	195.246	D	DRG	MED	824	207	3.4	25%
32527	Appropriate material < \$150 w/intent to manf, compnd, prod, pr	570.030	D	DRG	HIGH	7	3	2.7	43%
32528	Market-sell-dist-advertise or label any drug prod containing ep	195.248	D	DRG	LOW	4	-	-	0%
32529	Approp material < \$500 w/intent to manf, compnd, prod, prep	570.030	D	DRG	HIGH	7	4	4.0	57%
32530	Distributing a controlled substance in violation of registration	195.252	D	DRG	LOW	4	-	-	0%
32531	Appropriate material less than \$500 with intent to manufacture	570.030	C	DRG	MED	7	2	4.0	29%
32533	Approp material <\$500 w/intent to manf, compnd, prod, prepar	570.030	D	DRG	MED	3	1	2.0	33%
32534	Approp material <\$500 w/intent to manf, compnd, prod, prepar	570.030	C	DRG	MED	9	5	4.8	56%
32540	Unlawful delivery of controlled substance by manufacturer or	195.254	D	DRG	HIGH	30	4	3.3	13%
32545	Unlawful use of trademark in manufacture or delivery of contr	195.256	D	DRG	LOW	10	-	-	0%

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMo	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
32550	Failure to obtain proper ID/make report of drug transfer	195.400	D	DRG	MED	6	-	-	0%
32560	Furnishing or receiving controlled substance without registrati	195.405	D	DRG	LOW	7	1	3.0	14%
32566	Poss chem w/intent to mnf,comp,convt,prod,procs, prep, test,	195.420	C	DRG	HIGH	1,151	307	4.5	27%
32568	Manf/whlesalr fail to rpt suspicious trans of meth precrsr drgs	195.515	D	DRG	MED	1	-	-	0%
32570	Receipt of drugs from unlicensed distributor or pharmacy - 2n	338.315	D	DRG	LOW	1	-	-	0%
32581	Acted as wholesale drug or pharmacy distributor without obtain	338.333	C	DRG	LOW	1	-	-	0%
32586	Wholesale distribution of drugs by out-of-state distributor with	338.337	C	DRG	MED	4	-	-	0%
32591	Sale of drugs by out-of-state distributor without license	338.340	C	DRG	LOW	6	-	-	0%
32610	Possession of anhydrous ammonia in a non-approved contain	578.154	D	DRG	HIGH	139	51	3.3	37%
32645	Any person not owner/not in lawful control of apprvd contrn, a	577.075	B	DRG	MED	5	3	5.7	60%
33285	Selling liquor without payment of additional revenue charge o	311.550	D	NVI	LOW	6	1	2.0	17%
33350	Delivery or possession of liquor at a correctional facility	217.360	D	NVI	LOW	2	1	1.0	50%
33355	Deliver/attempt to deliver/poss/dep/conceal alkaloid of cntr su	217.360	D	NVI	MED	2	2	3.0	100%
33365	Delivery or possession of alcohol or spirituous or malt liquor a	221.111	D	NVI	MED	9	4	2.8	44%
34015	Making a false bomb report	575.090	D	NVI	MED	16	1	3.0	6%
34022	Invasion of privacy of multiple individuals - 2nd degree	565.253	D	NVI	LOW	5	-	-	0%
34026	Invasion of privacy - previously plead guilty or found guilty of	565.253	D	NVI	LOW	1	-	-	0%
34055	Harassment motivated by discrimination to frighten or disturb	557.035	D	VIO	LOW	4	1	4.0	25%
34057	Harassment by person \geq 21 yrs agnst person \leq 17 yrs or prior	565.090	D	VIO	MED	1	-	-	0%
34074	Make terrorist thrt w/reckls drsrgd of rsk of, caus evac/clos bl	574.115	D	VIO	LOW	2	-	-	0%
34210	Aggravated stalking- 2nd ofns	565.225	C	VIO	LOW	4	1	4.0	25%
34220	Aggravated stalking- 1st ofns or stalking 2nd ofns	565.225	D	VIO	MED	83	20	3.0	24%
34221	Aggravated stalking - 1st offense	565.225	D	VIO	MED	12	2	4.0	17%
35080	Committing class one election ofns	115.631	D	NVI	LOW	8	-	-	0%
36006	Knowingly infect another with HIV by being a blood, blood prod	191.677	A	VIO	LOW	3	2	19.0	67%
36007	Recklessly infect another with HIV when actor is knowingly inf	191.677	A	VIO	LOW	2	1	30.0	50%
36009	Recklessly risk infection of another w/HIV when actor is know	191.677	B	VIO	HIGH	19	14	7.4	74%
36048	Abandonment of a corpse	194.425	D	NVI	HIGH	9	4	3.8	44%
36190	Recklessly risk infection of another with HIV	191.677	D	NVI	HIGH	4	2	4.0	50%
36200	Dog fighting	578.025	D	NVI	LOW	4	1	3.0	25%
36310	Abuse, neglect or misappropriation of client property by hospit	197.266	D	NVI	LOW	1	-	-	0%
36341	Violations involving health care payment/s - 1st ofns	191.905	D	NVI	HIGH	5	1	4.0	20%
36400	Providing false information to vital records	193.315	D	NVI	LOW	1	-	-	0%
36545	Animal abuse/torture/mutilation while animal was alive - persis	578.012	D	NVI	HIGH	35	6	4.3	17%
36801	Keeping or maintaining a public nuisance for criminal street g	578.433	C	NVI	LOW	9	1	2.0	11%
36850	Failure of employer to insure liability pursuant to (Worker's Co	287.128	D	NVI	MED	1	-	-	0%
36967	Unlawful practice of midwifery	334.010	C	NVI	LOW	1	-	-	0%
37005	With intent to defraud, willfully failed to make a sales tax retu	144.480	D	NVI	LOW	49	4	2.8	8%
37008	Employer, w/intent to defraud, willfully failed to file return/truth	143.221	D	NVI	LOW	19	-	-	0%
37013	With intent to defraud, willfully failed to make a sales tax retu	144.480	D	NVI	MED	23	-	-	0%
37015	Failure to file/pay a Missouri income tax return	143.931	D	NVI	LOW	26	-	-	0%
37025	Filing a false Missouri income tax return	143.941	D	NVI	MED	12	4	3.3	33%
37060	Filing false sales tax return	144.490	D	NVI	LOW	5	-	-	0%
37090	Failure to collect or pay over income tax	143.921	D	NVI	LOW	9	-	-	0%
39265	Sale of wildlife taken in violation of MDC regs - 1st/subsequen	252.235	C	NVI	MED	4	-	-	0%
46609	Operated vehicle on hwy without valid license - 3rd and subse	302.020	D	NVI	MED	256	45	3.0	18%
46611	Oper mtr veh on hwy while driver lic/priv revoked (revoked fo	302.321	D	NVI	MED	63	21	2.8	33%
46613	Operated motorcycle when driver's license not validated for s	302.020	D	NVI	LOW	7	-	-	0%
46616	Oper mtr veh on hwy w/driver lic/priv revoked (revoked-fail to	302.321	D	NVI	MED	14	3	3.0	21%
46681	Operated motor vehicle on hwy while driver license/priv revoked	302.321	D	NVI	LOW	70	22	2.5	31%
46682	Operated mtr veh on hwy while driver's license/priv revoked (302.321	D	NVI	HIGH	268	81	3.1	30%
46683	Oper motor vehicle on hwy while driv license/priv revoked (re	302.321	D	NVI	LOW	355	84	2.7	24%
46684	Driving while revoked (suspended for stealing motor fuel as p	302.321	D	NVI	MED	54	13	3.0	24%
46685	Oper motor vehicle on hwy while driv license/priv revoked (rv	302.321	D	NVI	HIGH	1	-	-	0%
46689	Oper motor vehicle on hwy while driv license/priv revoked (su	302.321	D	NVI	MED	971	310	2.8	32%
46691	Oper motor vehicle on hwy while driv license/priv revoked (su	302.321	D	NVI	MED	9	-	-	0%
46692	Oper mtr veh on hwy while driver license/privilege revoked (re	302.321	D	NVI	LOW	65	9	2.8	14%
46693	Oper mtr veh while driv lic/priv revkd (suspdn or revkd after f	302.321	D	NVI	MED	4	3	2.7	75%
46694	Oper mtr veh on hwy while driver lic/priv revkd (suspdn for pr	302.321	D	NVI	LOW	24	5	2.4	21%
46695	Oper mtr veh on hwy while driv lic/priv revkd (suspdn for non	302.321	D	NVI	LOW	16	3	3.0	19%
46697	Oper mtr veh on hwy while driv lic/priv revkd (suspdn for non-	302.321	D	NVI	LOW	6	3	2.3	50%
46710	Drive comm mtr veh while revoked-4th/subs ofns	302.727	D	NVI	MED	1	-	-	0%
47410	DWI - alcohol - persistent offender	577.010	D	DWI	MED	9,132	2,046	3.2	22%
47417	DWI - alcohol - chronic offender	577.010	B	DWI	MED	459	317	6.8	69%
47418	DWI - alcohol - aggravated offender	577.010	C	DWI	HIGH	1,376	480	4.6	35%
47423	DWI - drug intoxication - chronic offender	577.010	B	DWI	MED	7	3	8.3	43%
47427	DWI - drug intoxication - aggravated offender	577.010	C	DWI	HIGH	28	8	4.0	29%
47430	DWI - drug intoxication - persistent offender	577.010	D	DWI	MED	131	29	3.1	22%
47443	DWI - combined alcohol/drug intoxication - chronic offender	577.010	B	DWI	MED	22	13	6.8	59%
47447	DWI - combined alcohol/drug intoxication - aggravated offend	577.010	C	DWI	HIGH	37	13	5.1	35%

Average New Felony Sentences Received by the Department of Corrections, FY2003-FY2009

Charge Code	Offense	RSMo	Felony Class	Offense Group	Offense Severity	Sentence Count	Prison Count	Avg. Sentence	Percent Prison
47450	DWI - combined alcohol/drug intoxication - persistent offender	577.010	D	DWI	MED	518	38	3.2	7%
47463	Excessive BAC - chronic offender	577.012	B	DWI	MED	1	1	5.0	100%
47467	Excessive BAC - aggravated offender	577.012	C	DWI	MED	5	2	3.5	40%
47470	Excessive BAC - persistent offender	577.012	D	DWI	MED	56	5	3.0	9%
48865	Leaving scene of motor vehicle accident--injury, property damage	577.060	D	NVI	MED	1,591	293	3.1	18%
48867	Leaving scene of ATV accident--death or 2nd ofns	577.065	D	NVI	LOW	3	-	-	0%
51050	Bribery of a public servant	576.010	D	NVI	HIGH	4	-	-	0%
51100	Acceding to corruption by a public servant	576.020	D	NVI	MED	2	-	-	0%
54028	Failure to complete and submit offender registration form w/c	589.400	D	NVI	LOW	2	-	-	0%
54029	Failure of offender to inform chief law enforcement of new add	589.414	D	NVI	HIGH	1	1	5.0	100%
54045	Knowingly cause the death or disablement of a police animal	575.350	D	NVI	LOW	1	1	4.0	100%
54156	Fail to complete and submit offender registration form with ch	589.425	D	NVI	HIGH	10	6	3.2	60%
54158	Include false info in offnrd registration statement-2nd or subsc	589.425	D	NVI	MED	2	2	3.0	100%
54161	Fail to timely verify info made in statement for offender regist	589.425	D	NVI	LOW	1	-	-	0%
54163	Fail of offender to infrm chief law enfcmnt offcr of new add-2r	589.425	D	NVI	MED	6	4	2.8	67%
54166	Failure of offnrd to infrm chief law enfcmnt offcr of chg in enr	589.425	D	NVI	LOW	2	1	2.0	50%
54205	Leaving the scene of a vessel accident- physical injury	306.141	D	NVI	LOW	2	-	-	0%
54310	Operation of a vessel while intoxicated - Persistent Ofdr	306.111	D	DWI	MED	1	-	-	0%
54820	Knowingly/recklessly alter cigarettes pkg and/or sell/dist/posse	149.200	D	NVI	MED	1	-	-	0%
57080	Illegal wiretapping in violation of Sec 542.402	542.402	D	NVI	LOW	1	-	-	0%
57100	Invasion of privacy - 1st degree	565.252	D	NVI	MED	3	-	-	0%
57115	Invasion of privacy-previouslly plead guilty or found guilty of ir	565.253	D	NVI	MED	3	1	4.0	33%
57125	Invasion of privacy of multiple individuals - 2nd degree	565.253	D	NVI	LOW	13	1	4.0	8%
58001	Making a false bomb report	575.090	D	NVI	LOW	33	9	3.0	27%
58010	Making a terrorist threat	574.115	C	VIO	MED	15	2	4.0	13%
58020	Make terrorist thrt w/reckls disrgd of rsk of caus evac/clos bld	574.115	D	VIO	HIGH	11	3	3.7	27%
64001	Sexual exploitation of a minor child	573.023	A	SEX	MED	2	1	12.0	50%
64005	Possession and concealment of a dangerous or deadly weapo	573.023	B	SEX	LOW	5	1	9.0	20%
64010	Possession and concealment of a dangerous or deadly weapo	566.151	B	SEX	MED	1	1	7.0	100%
64013	Possession and concealment of a dangerous or deadly weapo	566.151	A	SEX	MED	18	13	10.5	72%
64015	Possession and concealment of a dangerous or deadly weapo	566.151	C	SEX	HIGH	21	10	5.1	48%
64018	Possession and concealment of a dangerous or deadly weapo	566.151	A	SEX	MED	9	8	7.9	89%
64020	Possession and concealment of a dangerous or deadly weapo	566.151	D	SEX	MED	12	1	4.0	8%

APPENDIX B

RECOMMENDED SENTENCES MATRICES

The following pages contain the individual sentencing matrix for each of the five offense groups.

RECOMMENDED SENTENCES - VIOLENT OFFENSES

CLASS A FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	71.7%	85.5%	90.0%	95.7%	93.8%
Ave. Prison Sentence	16.2	16.8	18.8	18.1	19.4
High *					
Mitigating	10	10	15	20	25
Presumptive	15	20	20	25	30
Aggravating	25	25	25	30	30
Medium					
Mitigating	CSS	Shk/Trt	10	15	20
Presumptive	10	12	15	20	25
Aggravating	14	16	20	25	30
Low					
Mitigating	Probation	Shk/Trt	10	12	15
Presumptive	Shk/Trt	10	12	15	17
Aggravating	12	14	15	17	20

* Excludes Murder 1st Degree

CLASS B FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	42.6%	65.8%	72.9%	74.6%	76.6%
Ave. Prison Sentence	8.4	8.2	8.6	9.3	10.7
High					
Mitigating	CSS	Shk/Trt	6	8	10
Presumptive	6	7	8	10	12
Aggravating	8	9	10	12	15
Medium					
Mitigating	Probation	CSS	Shk/Trt	7	9
Presumptive	CSS	Shk/Trt	7	9	11
Aggravating	5	7	9	11	12
Low					
Mitigating	Probation	CSS	Shk/Trt	5	7
Presumptive	CSS	Shk/Trt	5	7	8
Aggravating	5	5	7	8	10

CLASS C FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	18.7%	38.8%	55.6%	56.2%	62.2%
Ave. Prison Sentence	4.9	5.1	5.3	5.2	5.8
High					
Mitigating	Probation	Probation	Shk/Trt	3	5
Presumptive	CSS	Shk/Trt	4	5	7
Aggravating	3	4	5	7	7
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	4
Presumptive	CSS	CSS	Shk/Trt	4	5
Aggravating	3	3	4	5	7
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	Probation	CSS	Shk/Trt	3	4
Aggravating	3	3	3	4	6

CLASS D FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	18.2%	40.5%	55.0%	68.2%	50.0%
Ave. Prison Sentence	3.8	3.3	3.1	3.6	3.5
High					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	CSS	CSS	Shk/Trt	3	4
Aggravating	2	2	3	4	4
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	CSS	CSS	Shk/Trt	2	3
Aggravating	2	2	2	3	4
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	CSS	CSS	Shk/Trt	2	2
Aggravating	2	2	2	2	3

RECOMMENDED SENTENCES - SEX AND CHILD ABUSE OFFENSES

CLASS A FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	71.4%	89.0%	91.8%	96.2%	93.8%
Ave. Prison Sentence	13.9	16.3	16.5	18.3	18.3
High					
Mitigating	10	10	15	20	25
Presumptive	12	15	20	25	30
Aggravating	20	23	25	30	30
Medium					
Mitigating	CSS	CSS	10	15	20
Presumptive	10	12	15	20	25
Aggravating	15	17	20	25	30
Low					
Mitigating	CSS	CSS	10	12	15
Presumptive	CSS	10	12	15	20
Aggravating	10	12	15	20	25

CLASS B FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	55.7%	83.0%	77.5%	69.6%	75.0%
Ave. Prison Sentence	8.4	8.8	10.5	7.8	10.3
High					
Mitigating	CSS	Shk/Trt	7	8	10
Presumptive	6	7	8	10	15
Aggravating	9	10	12	15	15
Medium					
Mitigating	CSS	Shk/Trt	6	7	8
Presumptive	5	6	7	8	10
Aggravating	8	9	10	10	15
Low					
Mitigating	Probation	CSS	5	6	7
Presumptive	CSS	Shk/Trt	6	7	8
Aggravating	5	6	8	10	12

CLASS C FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	24.7%	44.6%	60.1%	72.9%	70.9%
Ave. Prison Sentence	5.2	4.9	5.6	5.5	6.2
High					
Mitigating	Probation	CSS	Shk/Trt	3	5
Presumptive	CSS	CSS	4	5	6
Aggravating	3	4	5	6	7
Medium					
Mitigating	Probation	Probation	Shk/Trt	2	4
Presumptive	CSS	CSS	3	4	5
Aggravating	3	3	4	5	6
Low					
Mitigating	Probation	Probation	Shk/Trt	2	3
Presumptive	CSS	CSS	2	3	4
Aggravating	3	3	3	4	5

CLASS D FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	19.0%	30.6%	39.8%	52.7%	56.5%
Ave. Prison Sentence	3.3	3.0	3.0	3.0	4.2
High					
Mitigating	Probation	Probation	CSS	Shk/Trt	4
Presumptive	CSS	CSS	Shk/Trt	4	4
Aggravating	2	2	3	4	4
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	CSS	CSS	Shk/Trt	2	3
Aggravating	2	2	2	3	4
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	2
Aggravating	2	2	2	2	3

RECOMMENDED SENTENCES - NON-VIOLENT OFFENSES

CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09 Percent Prison Disposition Ave. Prison Sentence</i>					
High			<i>Insufficient data</i>		
Mitigating	Probation	CSS	Shk/Trt	10	12
Presumptive	CSS	Shk/Trt	12	14	15
Aggravating	Shk/Trt	12	13	15	20
Medium					
Mitigating	Probation	CSS	Shk/Trt	10	12
Presumptive	CSS	Shk/Trt	12	14	15
Aggravating	Shk/Trt	12	13	15	20
Low					
Mitigating	Probation	CSS	Shk/Trt	10	12
Presumptive	CSS	Shk/Trt	12	14	15
Aggravating	Shk/Trt	12	13	15	20

CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09 Percent Prison Disposition Ave. Prison Sentence</i>					
High					
Mitigating	Probation	Probation	CSS	Shk/Trt	8
Presumptive	CSS	CSS	Shk/Trt	8	10
Aggravating	Shk/Trt	6	8	10	12
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	8
Presumptive	CSS	CSS	Shk/Trt	8	10
Aggravating	Shk/Trt	5	8	10	12
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	6
Presumptive	Probation	CSS	Shk/Trt	6	8
Aggravating	CSS	5	6	8	10

CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09 Percent Prison Disposition Ave. Prison Sentence</i>					
High	8.0% 4.0	31.2% 4.3	49.9% 4.5	55.9% 4.7	61.0% 5.2
Mitigating	Probation	Probation	CSS	Shk/Trt	5
Presumptive	Probation	CSS	Shk/Trt	5	6
Aggravating	CSS	Shk/Trt	5	6	7
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	Probation	CSS	Shk/Trt	3	4
Aggravating	CSS	Shk/Trt	3	5	6
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	CSS	Shk/Trt	2	3	5

CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09 Percent Prison Disposition Ave. Prison Sentence</i>					
High					
Mitigating	Probation	Probation	CSS	CSS	3
Presumptive	Probation	CSS	CSS	Shk/Trt	4
Aggravating	CSS	Shk/Trt	Shk/Trt	2	4
Medium					
Mitigating	Probation	Probation	CSS	CSS	2
Presumptive	Probation	CSS	CSS	Shk/Trt	2
Aggravating	CSS	Shk/Trt	Shk/Trt	2	3
Low					
Mitigating	Probation	Probation	CSS	CSS	2
Presumptive	Probation	Probation	CSS	Shk/Trt	2
Aggravating	CSS	CSS	Shk/Trt	2	3

RECOMMENDED SENTENCES - DRUG OFFENSES

CLASS A FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	11.3%	20.1%	43.3%	60.8%	54.1%
Ave. Prison Sentence	11.8	11.5	12.5	13.2	12.9
High					
Mitigating	Probation	Probation	Shk/Trt	10	13
Presumptive	Probation	CSS	10	13	15
Aggravating	Shk/Trt	10	13	15	20
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	10
Presumptive	Probation	CSS	Shk/Trt	10	13
Aggravating	Shk/Trt	Shk/Trt	10	13	18
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	10
Presumptive	Probation	CSS	Shk/Trt	10	12
Aggravating	CSS	Shk/Trt	10	12	15

CLASS B FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	7.9%	24.0%	42.7%	48.6%	50.6%
Ave. Prison Sentence	7.0	7.2	8.1	8.8	8.5
High					
Mitigating	Probation	Probation	CSS	Shk/Trt	10
Presumptive	Probation	CSS	Shk/Trt	10	12
Aggravating	Shk/Trt	Shk/Trt	10	12	15
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	8
Presumptive	Probation	CSS	Shk/Trt	8	10
Aggravating	Shk/Trt	Shk/Trt	8	10	12
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	6
Presumptive	Probation	CSS	Shk/Trt	6	7
Aggravating	CSS	Shk/Trt	6	7	10

CLASS C FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	4.1%	19.0%	38.2%	44.4%	52.5%
Ave. Prison Sentence	4.1	4.4	4.6	5.0	5.3
High					
Mitigating	Probation	Probation	CSS	Shk/Trt	5
Presumptive	Probation	CSS	Shk/Trt	4	6
Aggravating	CSS	Shk/Trt	4	5	7
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	3
Presumptive	Probation	CSS	Shk/Trt	3	4
Aggravating	CSS	Shk/Trt	3	4	5
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	CSS	Shk/Trt	2	3	4

CLASS D FELONIES

	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i>					
Percent Prison Disposition	4.9%	25.4%	47.1%	59.7%	59.6%
Ave. Prison Sentence	2.7	3.4	3.1	3.2	3.0
High					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	CSS	Shk/Trt	2	3	4
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	2
Aggravating	CSS	Shk/Trt	2	2	3
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	Shk/Trt
Presumptive	Probation	CSS	Shk/Trt	2	2
Aggravating	CSS	Shk/Trt	2	2	3

RECOMMENDED SENTENCES - DWI OFFENSES

For all cases where a community- based sentence is recommended, the commission recommends referral to a drug court where available and where the offender is eligible.

CLASS A FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>					
High			<i>No Available data</i>		
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10
Medium					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10
Low					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	10	10
Presumptive	10	10	10	10	10
Aggravating	10	10	10	10	10

CLASS B FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>					
High					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10
Medium					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10
Low					
Mitigating	Shk/Trt	Shk/Trt	Shk/Trt	5	5
Presumptive	5	5	5	6	8
Aggravating	5	5	5	8	10

CLASS C FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>					
High					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7
Medium					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7
Low					
Mitigating	CSS	CSS	CSS	Shk/Trt	3
Presumptive	Shk/Trt	Shk/Trt	3	4	5
Aggravating	2	3	4	5	7

CLASS D FELONIES

Offense Severity	Prior Criminal History				
	Level I	Level II	Level III	Level IV	Level V
<i>Data FY02-FY09</i> <i>Percent Prison Disposition</i> <i>Ave. Prison Sentence</i>					
High					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4
Medium					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4
Low					
Mitigating	Probation	Probation	CSS	Shk/Trt	2
Presumptive	Probation	CSS	Shk/Trt	2	3
Aggravating	Shk/Trt	Shk/Trt	2	3	4